C.B. (II) No. 364

LOK SABHA

THE LOKPAL BILL, 1985

REPORT OF THE JOINT COMMITTEE

Presented on 6 December, 1988

LOK SABHA SECRETARIAT

NEW DELHI

December 1988/Agrahayana 1910 (Saka)

Price Rs. 19.00

Corrigenda

to

The Report of the Joint Committee on the Lokpal Bill, 1985.

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1. Page (iii), line 10, for "in by" read "in"
2. Page (iv), (i) line 25, for "Vigilange" read Vigilance"
   (ii) last line, omit "Shri"
3. Page (vii), last line for "hat" read "had"
4. Page 32, line 26 for "scene" read "sense"
5. Page 46, line 5, for "choose" read "chose"
6. Page 48, line 4 from bottom, for "finalised" read "finalise"
7. Page 50, line 29, for "are" read "also"

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JOINT COMMITTEE ON THE LOKPAL BILL, 1985

COMPOSITION OF THE COMMITTEE

*Shri Somnath Rath—*Chairman*@

MEMBERS

Lok Sabha

*2. Shrimati Basavarajeswari
3. Shri T. Basheer
4. Shri H. K. L. Bhagat
5. Shri Manoranjan Bhakta
6. Shri P. Chidambram
7. Shri K. P. Singh Deo
8. Shri Sharad Dighe
9. Shri Indrajit Gupta
10. Prof. M. R. Halder
*11. Shri R. S. Khirhar
12. Shri P. Kolandaivelu
13. Shri Y. S. Mahajan
14. Shri Braja Mohan Mohanty
15. Shri Priya Ranjan Das Munsi
16. Shri D. K. Naikar
17. Shri C. D. Patel
18. Shri Aziz Qureshi
*19. Shri Ram Swarup Ram
20. Prof. N. G. Ranga
21. Shri C. Madhav Reddy
%22. Shri S. Jaipal Reddy
23. Shri Ebrahim Sulaiman Sait
24. Shri G. G. Swell
25. Shri K. P. Unnikrishnan
$26. Shri Ram Singh Yadav
27. Shri Shyam Lal Yadav
28. Shri Zainul Basher
£29. Shri Zainal Abedin
30. Shri Asoke Kumar Sen

@Appointed as Chairman *w.e.f.* 24-7-1986 *vice* Shri Brahma Dutt resigned from the Committee.

*Appointed *w.e.f.* 23-7-1986 *vice* Shri B.V. Desai died and Sarvashri Brahma Dutt, Eduardo Faleiro and Prof. K.K. Tewari resigned from the Committee.

%Appointed *w.e.f.* 26-2-86 *vice* Prof. Madhu Dandavate resigned from the Committee.

$Appointed *w.e.f.* 9-4-87 *vice* Shri Mool Chand Daga died.

£Appointed *w.e.f.* 9-3-88 *vice* Shri Ajit Kumar Saha resigned.

Rajya Sabha

£ £31. Shri Lal K. Advani

**32. Shri Aladi Aruna *alias* V. Arunachalam

33. Shri Anand Sharma

£ £34. Shri Hansraj Bhardwaj

35. Shri Darbara Singh

36. Shri Baharul Islam

37. Shri Murasoli Maran

38. Shri N. K. P. Salve

†39. Shri P. Shiv Shanker

**40. Shri Bir Bhadra Pratap Singh

41. Shri P. N. Sukul

42. Shri Parvathaneni Upendra

@43. Shri Raoof Valiullah

44. Shri Virendra Verma

@@45. V A C A N T

SECRETARIAT

1. Shri K. C. Rastogi—*Joint Secretary.*
2. Shri G. S. Bhasin—*Deputy Secretary.*
3. Shri Swarn Singh—*Officer on Special Duty.*

LEGISLATIVE COUNSELS

1. Shri S. Ramaiah—*Secretary.*
2. Shri C. Raman Menon—*Additional Secretary.*
3. Shri B. K. Samaddar—*Deputy Legislative Counsel.*

REPRESENTATIVES OF THE DEPARTMENT OF PERSONNEL AND TRAINING

1. Shri Manish Behl—*Secretary:*
2. Shrimati B. Sen—*Joint Secretary.*
3. Shri Hazara Singh—*Deputy Secretary.*

**Appointed *w.e.f.* 22-8-86 *vice* Sarvashri R. Mohanarangam and Sultan Singh retired from Rajya Sabha.

@Appointed *w.e.f.* 7-5-87 *vice* Shrimati Pratibha Devi Singh Patil resigned from the Committee.

†Shri P. Shiv Shanker, on his retirement from Rajya Sabha, ceased to be member of the Committee *w.e.f.* 13-8-87.
Re-appointed *w.e.f* 27-8-87.

££Sarvashri Lal K. Advani and Hansraj Bhardwaj on their retirement from Rajya Sabha ceased to be members of the Committee *w.e.f.* 2-4-88. Re-appointed *w.e.f.* 13-5-88.

@@Shri Depen Ghosh resigned on 12-5-88 and the vacancy was not filled-in.

REPORT OF THE JOINT COMMITTEE ON THE LOKPAL BILL, 1985

I, the Chairman of the Joint Committee to which, the Bill* to provide for the appointment of a Lokpal to inquire into allegations of corruption against Union Ministers and for matters connected therewith, was referred, having been authorised to submit the Report on their behalf, present their Report.

2. The Bill was introduced in the Lok Sabha on 26 August, 1985. The motion for reference of the Bill to a Joint Committee of both Houses of Parliament was moved in by Lok Sabha by Shri Asoke Kumar Sen, the then Minister of Law and Justice on 28 August, 1985 and was adopted on the same day. (Appendix I).

3. The Rajya Sabha concurred in the said motion on 29 August, 1985 (Appendix II).

4. The message from Rajya Sabha was published in Lok Sabha Bulletin-Part I on 29 August, 1985.

5. **Sittings held:** The Committee held 21 sittings in all. The first sitting was held on 16 November, 1985. The Committee considered their future programme of work and decided to invite memoranda containing comments/suggestions on the provisions of the Bill by 6 December, 1985 from the State Governments/Union Territory Administrations, Bar Councils/Bar Associations and other organisations, individuals etc. interested in the subject matter of the Bill for their consideration.

Accordingly, a Press Communique inviting memoranda and requests for oral evidence was issued on 16 November, 1985. The Director General, All India Radio and the Director-General, Doordarshan, New Delhi were also requested to broadcast the contents of the Press Communique from all stations of All India Radio/telecast it from all Doordarshan Kendras on three successive days in English and Hindi and regional languages.

6. As per decision taken by the Committee, a circular letter inviting memoranda containing comments/suggestions on the provisions of the Bill or requests for oral evidence was also addressed to the Chief Secretaries of all State Governments/Union Territory Administrations, Bar Councils/ Bar Associations and individuals etc.

The Committee further decided to hear oral evidence on the provisions of the Bill from interested parties and authorised the Chairman to select parties/individuals etc. for the purpose, after receipt of memoranda.

As the contents of the Press Communique did not receive wide publicity as anticipated, an advertisement incorporating the contents of the Press Communique in brief was also issued on 17 December, 1985 in various newspapers.

*Published in the Gazette of India Extra-ordinary, Part II Section 2 dated 26 August, 1985

7. At their sitting held on 18 December, 1985, the Committee considered requests received from various Associations/Organisations, individuals etc. for extension of time for submission of memoranda on the provisions of the Bill. The Committee felt that keeping in view the importance of the proposed legislative measure and the fact that there was not adequate response, it was necessary to extend the time limit for submission of memoranda. Accordingly, the Committee decided to extend the time for submission of memoranda upto 15 January, 1986.

At this sitting the Committee also decided to hold discussions with the Lokayuktas, Chief Ministers, Leaders of Opposition, Bar Councils/Associations etc. at the various State Capitals in order to have their views on the working of the institution of Lokayukta in their States.

8. 34 memoranda containing comments/suggestions on the provisions of the Bill were received by the Committee from various Associations/ Organisations, Lokayuktas and individuals etc. (*vide* list at Appendix III).

9. With a view to have an idea of the working of the institution of Lokayukta, the Committee visited Lucknow, Patna, Calcutta, Bhubaneshwar, Jaipur, Bombay, Trivandrum, Bangalore and Hyderabad (January-February, 1986); Imphal, Kohima, Agartala, Srinagar, Chandigarh, Shimla, Guwahati, Shillong and Gangtok (September-October, 1986); Madras, Pondicherry (January, 1987); Panaji (May, 1987); Port Blair (June, 1987); Aizawl and Itanagar (October, 1987) and held informal discussions on the provisions of the Bill, with the Chief Ministers, Leaders/ Members of Opposition in State Legislatures, State Vigilange Commissioners and the representatives of the Bar Council/Associations etc.

10. At their sittings held at Delhi on 29 June, 15 July, 10 September, 1987, on 12 January, 18 and 19 July, 1988 the Committee took oral evidence on the provisions of the Bill from the interested parties/individuals. The names of the witnesses who tendered oral evidence before the Committee are given in Appendix IV.

11. **Extensions granted by the House**: The Report of the Committee was to be presented to the House by the 15th March, 1986. The Committee were granted 8 extensions for presentation of the Report—first, on 12 March, 1986, upto the last day of the second week of the Monsoon Session 1986 *i.e.* 25 July, 1986; second, on 23 July, 1986, upto the last day of the Winter Session, 1986 i.e. 9 December, 1986, third on 4 December, 1986 upto the last day of the Budget Session 1987 *i.e.* 12 May, 1987; fourth, on 30 April, 1987 upto the last day of the Monsoon Session 1987 *i.e.* 28 August, 1987; fifth, on 19 August, 1987 upto the last day of the Winter Session 1987 *i.e.* 15 December, 1987; sixth, on 7 December, 1987 upto the last day of the Budget Session 1988 *i.e.* 13 May, 1988; seventh, on 10 May, 1988 upto the last day of the Monsoon Session 1988 *i.e.* 5 September, 1988; eighth, on 5 September 1988 upto the last day of the Winter Session, 1988 *i.e.* 7 December, 1988.

12. **Inadequacies of the Bill**: At their sitting held on 13 October 1988 several Members pointed out that the Bill in its present form, would not, if enacted, serve the purpose for which it was intended. Government might consider whether a more comprehensive Bill could be brought in place of the present Bill. The Minister of Parliamentary Affairs (Shri

(Shri H.K.L. Bhagat) a member of the Committee, stated that he would convey the views of the members to the Government and would apprise the Committee about Government's reactions thereto at the next sitting. The Committee, thereupon postponed clause-by-clause consideration of the Bill.

13. At their sitting held on 27 October, 1988, the Minister of Parliamentary Affairs and Information and Broadcasting (Shri H. K. L. Bhagat) informed the Committee that he had not yet been able to get the reactions of the Government as the concerned Minister (Minister of Personnel—Shri P. Chidambaram) was not in Delhi and he himself being a Minister was not in a position to take a stand on the proposed amendments. He therefore, suggested that the sitting might be postponed and some more time be given to the Government.

14. At their sitting held on 15 November, 1988, the Minister-in-charge of the Bill (Shri P. Chidambaram) stated that the Bill did not make any provision for the redress of grievances arising out of any act or omission of Government or a public functionary or an employee of Government which did not involve any element of corruption. He also stated that it was common experience that many grievances of citizens arose because of inefficiency, tardiness, delay, redtape, out moded rules and procedures which did not involve any corrupt motive. It was, therefore, necessary to evolve a system or machinery to redress the grievances of citizens. He further stated that a number of witnesses who gave evidence before the Committee and several Members of the Committee had expressed apprehensions regarding the scope of the Bill. The Committee had been told by a number of witnesses that the Bill was defective because it did not provide for the redress of the grievances of the citizens but only provided for a pre-trial enquiry into the cases of corruption. It had also been pointed out that the bulk of grievances of the citizens would fall outside the scope of Lokpal and in that sense the Lokpal would not serve the purposes which were envisaged by the Administrative Reforms Commission.

15. The Minister-in-charge of the Bill further informed the Committee that Government felt that it would be desirable to re-examine the entire issue relating to the establishment of Lokpal, his powers and jurisdiction. He also informed the Committee that it was proposed to withdraw the present Lokpal Bill and bring forward a more comprehensive legislation to deal with the redress of public grievances. Accordingly, a notice of the motion for withdrawal of the Bill alongwtih a statement containing reasons therefor was given by the Minister which stood referred to the Joint Committee under the first proviso to rule 110 of the Rules of Procedure and Conduct of Business in Lok Sabha (Appendix-V).

16. The Committee considered the notice of the motion for withdrawal of the Bill together with the accompanying statement containing reasons therefor at their sitting held on 29 November, 1988.

The Committee also considered and adopted their draft report on the same day.

17. **Recommendation of the Committee**: The Committee recommend that the leave to withdraw the Bill be granted.

18. **Record of evidence, memoranda etc.**: The Committee decided that the record of evidence tendered before them might be printed and laid on the Table of both Houses of Parliament.

The Committee also decided that two sets of memoranda containing comments/suggestions on the provisions of the Bill, received by the Committee might be placed in the Parliament Library, after the report had been presented, for reference by the Members of Parliament.

NEW DELHI;
November 29, 1988
Agrahayana 8, 1910 (Saka)

SOMNATH RATH
Chairman,
Joint Committee.

MINUTE OF DISSENT

In the annals of the Indian Parliament, no Bill has had a more chequered history than the Lokpal Bill.

To give effect to a recommendation made by the Administrative Reforms Commission in 1966, a Bill, called the "Lokpal and Lokayuktas Bill, 1968", was introduced in the Fourth Lok Sabha. The bill was referred to a Joint Committee of both the Houses of Parliament. On the basis of the Joint Committee's report, the Bill was passed by the Lok Sabha in 1969. While this Bill was still pending in the Rajya Sabha, the Lok Sabha was dissolved. Consequently, the Bill lapsed.

In 1971, the Bill, as passed by the previous Lok Sabha, was reintroduced in the Fifth Lok Sabha as the "Lokpal and Lokayuktas Bill, 1971. For six long years it remained in the queue of Bills to be considered". On the dissolution of the Lok Sabha in 1977, this bill also lapsed.

A fresh Bill, called the "Lokpal Bill, 1977", was introduced in the Sixth Lok Sabha in 1977. This Bill was referred to a Joint Committee of both the Houses. The Joint Committee considered the Bill and submitted its Report in July 1978. Even while the Bill, as reported by the Committee, was being considered by the Lok Sabha, the Lok Sabha was prorogued, and subsequently dissolved. So, this Bill also lapsed. For the third time, the institution of Lokpal eluded the country.

It is noteworthy that no such Bill was introduced in the Seventh Lok Sabha. The then Government obviously did not feel committed to it.

But, in 1985, after the installation of a new Government, the Lokpal Bill, 1985 was introduced in the Eighth Lok Sabha with great fanfare as being the second major step, after the anti-Defection Bill, in the fulfilment of the Government's pledge to give the country a clean Government, and sweep the Augean stables of corruption.

Before the Bill was formally introduced, informal discussions were held between the Government and the Opposition about the proposed legislation. The Opposition expressed dissatisfaction with the Bill, as conceived. When the Bill was formally presented, we again expressed our deep disappointment. Of the various versions of the Lokpal Bill presented till then, the 1985 Bill seemed to us the most anaemic in content, and the most restricted in scope. So, when he Government decided to refer the Bill to a Joint Committee of the two Houses, we felt hopeful that the Government would be open to persuasion with regard to the many infirmities of the Bill.

When the Joint Committee commenced functioning, some of us expressed the view that as this matter had already been examined by two Joint Committees earlier, and a mass of evidence of experts etc. was available, the committee need not go through the elaborate exercise of touring the country to collect evidence. But the Committee, in its wisdom, felt otherwise.

For over three years now, the Committee had undertaken extensive tours, covering the entire country, from Shimla to Trivandrum and from Panjim to Port Blair. As the report indicates, the Committee hat visited 23 different States and Union Territories.

The Report was originally to be submitted to the Parliament by March 1986. But, repeated extensions—as many as eight times—were sought for the tenure of the Committee, till one day several of us were constrained to affirm that if any further extension was sought, we would dissociate ourselves from the Committee. The Committee then decided not to seek any further extension, and finalise its deliberations and present its report by the last day of the Winter Session of 1988.

A schedule was drawn up for clause-by-clause consideration of the Bill. Members of the Committee tabled numerous amendments aimed at plugging the loop-holes in the Bill, and making it meaningful and effective. A consolidated list of more than 200 amendments was circulated to members of the Committee.

The sitting of the Committee, slated for clause-by-clause consideration, was postponed twice, and on November 15, 1988, finally, the Minister of State for Home Affairs, Shri P. Chidambaram, informed the Committee that the Government proposed to withdraw the present Lokpal Bill. The draft report of the Committee now seeks to approve of the course of action proposed by the Government.

We strongly disagree with this majority view, which would make the Joint Committee's three-year long labours on extravagant exercise in utter futility. From the very outset we have been of the view that the Bill, as introduced, was inadequate. The Government did not agree with us, and decided to go ahead with it. And now, after three years, it has come to the conclusion that it is not only inadequate, but it is so bad that it cannot even be improved. We hold that setting up of this institution of Lokpal is long overdue and that, therefore, this proposal should not be shelved on any pretext whatsoever. We also hold that the amendments suggested by us, if incorporated, would invest the Bill with the necessary teeth which it now lacks.

We agree with the view that the Lokpal's jurisdiction should not be restricted to examination only of those complaints which involve alleged corruption, but should also cover complaints about abuse of power, gross misconduct, maladministration causing harassment to citizens etc. At the sitting of the Committee on November 15, 1988, the Minister of State for Home Affairs argued that the amendments given notice of by us, seeking to enlarge the ambit of the Bill, were out of order. In support of this argument he cited Clause 2(b) of the Bill which defined "complaint" as "complaint alleging that a public functionary has, while holding any of the offices mentioned in Clause (e), committed any offence punishable under Chapter IX of the Indian Penal Code or under the Prevention of Corruption Act, 1947."

The Minister's argument is totally untenable. The scope of a Bill is described by the Statement of Objects and Reasons of the Bill and not by a particular clause of the Bill. The Committee is fully competent to enlarge the definition of 'complaint" in this particular clause to make the proposed Lokpal truly an effective institution for redressal of citizens' grievances, irrespective of whether they arise out of corruption or maladministration. As it is, the move to withdraw the Bill is, to use a trite phrase, like deciding to throw the baby out along with the bathwater.

Two other reasons given by the Government for not proceeding with the Lokpal Bill are: firstly, passing of the Prevention of Corruption Act, 1988 and secondly, setting up of a Directorate of Public Grievances headed by an official of the level of Secretary.

Both reasons are unconvincing. The Lokpal Bill, 1985 was introduced even though the Prevention of Corruption Act, 1947 was already there and though there were provisions against corruption in the I.P.C. because the institution of Lokpal is essentially intended to render speedy justice to a citizen and, as the Statement of Objects and Reasons of the Bill says, "save him from pursuing his remedy through the process of courts, which may prove expensive and dilatory." The reference to the so-called Directorate of Grievances is utterly puerile. How can a subordinate department of the Government be a substitute for a Lokpal?

The Lokpal, even with the present deficiencies of the Bill, was expected to function as a watchdog over ministerial probity. During the past two years, corruption in high places has become a subject matter of animated public debate. In the course of our examination of the Lok Ayukta's functioning in the States we found that in several States, the Chief Ministers of those States also came within the purview of the Lok Ayukta. We have been strongly of the view that the office of the Prime Minister also should be similarly brought within the purview of the Lokpal, as was proposed in the Lokpal Bill, 1977. It is a matter of deep regret that, instead of appreciating public concern about this issue and the validity of our demand, the Government's response is to torpedo the Bill altogether and to move for leave to withdraw it, thus bringing the Joint Committee itself into public ridicule. It only shows the nervousness of the Government in the face of serious charges of corruption against persons in high places and its reluctance to create an institution which might cause embarrassment to it. We cannot be a party to such a crude attempt of the Government to cover up its misdeeds. Hence this note of dissent.

LAL K. ADVANI
PARVATHANENI UPENDRA
ALADI ARUNA *alias* V. ARUNACHALAM
K. P. UNNIKRISHNAN
S. JAIPAL REDDY
C. MADHAV REDDY
ZAINAL ABEDIN
INDRAJIT GUPTA
VIRENDRA VERMA

NEW DELHI;
November 29, 1988

Agrahayana 8, 1910 (*Saka*)

THE LOKPAL BILL, 1985

ARRANGEMENT OF CLAUSES

PRELIMINARY

CLAUSES

1. Short title, extent and commencement.
2. Definitions.
3. Appointment of Lokpal.
4. Lokpal to be ineligible to hold other offices.
5. Term of office and other conditions of service of Lokpal.
6. Removal of Lokpal.
7. Staff of Lokpal.

JURISDICTION AND PROCEDURE IN RESPECT OF INQUIRIES

8. Jurisdiction of Lokpal.
9. Matters not subject to jurisdiction of Lokpal.
10. Complaints.
11. Preliminary scrutiny of complaints by Lokpal.
12. Procedure in respect of inquiries.
13. Power of Lokpal to issue, in certain circumstances, directions for deferring or suspending investigation into an offence.
14. Evdience.
15. Search and seizure.
16. Reports.

MISCELLANEOUS

17. Expenditure on Lokpal to be charged on the Consolidated Fund of India.
18. Secrecy of information.
19. Intentional insult or interruption to, or bringing into disrepute, Lokpal.
20. Power of Lokpal to try certain offences summarily.
21. Disclosure of information and publication of false information in respect of complaints and proceedings under this Act.
22. Action in case of false complaints.
23. Application of Act 2 of 1974.
24. Bar of prosecution on allegations not proved or not substantiated.

CLAUSES

25. Conferment of additional functions on Lokpal.

26. Disposal of deposit.

27. Compensation or reward or both payable in certain cases to complainant.

28. Protection.

29. Power to delegate.

30. Power to make rules.

31. Removal of doubts.

32. Savings.

33. Consequential amendment of Act 60 of 1952.

THE SCHEDULE.

THE LOKPAL BILL, 1985

(AS CONSIDERED BY THE JOINT COMMITTEE)

A

BILL

to provide for the appointment of a Lokpal to inquire into allegations of corruption against Union Ministers and for matters connected therewith.

BE it enacted by Parliament in the Thirty-sixth Year of the Republic of India as follows:—

PRELIMINARY

Short title, extent and commencement.

1. (*1*) This Act may be called the Lokpal Act, 1985.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "competent authority" means the Prime Minister;

(*b*) "complaint" means a complaint alleging that a public functionary has, while holding any of the offices mentioned in clause (*e*), committed any offence punishable under Chapter IX of the Indian Penal Code, or under the Prevention of Corruption Act, 1947;

45 of 1860.
2 of 1947.

(*c*) "Lokpal" means a person appointed under section 3 as the Lokpal;

(*d*) "prescribed" means prescribed by rules made under this Act;

(*e*) "public functionary" means a person who holds or has held the office of a Minister, Minister of State, Deputy Minister or Parliamentary Secretary, of the Union.

Appointment of Lokpal.

3. (1) For the purpose of making inquiries in respect of complaints under this Act, the President shall, after consultation with the Chief Justice of India, appoint, by warrant under his seal, a person who is, or has been or is qualified to be, a Judge of the Supreme Court as the Lokpal.

(2) Every person appointed as the Lokpal shall, before entering upon his office, make and subscribe before the President, or some person appointed in that behalf by the President, an oath or affirmation in the form set out in the Schedule.

Lokpal to be ineligible to hold other offices.

4. The Lokpal shall not be a Member of Parliament or a Member of the Legislature of any State and shall not hold any office of trust or profit (other than his office as Lokpal), or be connected with any political party, or carry on any business, or practise any profession, and accordingly, before he enters upon his office, a person appointed as the Lokpal shall,—

(*a*) if he is a Member of Parliament or of the Legislature of any State, resign such membership; or

(*b*) if he holds any office of trust or profit, resign from such office; or

(*c*) if he is connected with any political party, sever his connection with it; or

(*d*) if he is carrying on any business, sever his connection (short of divesting himself of ownership) with the conduct and management of such business; or

(*e*) if he is practising any profession, cease to practise such profession.

Term of office and other conditions of service of Lokpal.

5. (*1*) A person appointed as the Lokpal shall hold office for a term of five years from the date on which he enters upon his office:

Provided that—

(*a*) the Lokpal may, by writing under his hand addressed to the President, resign his office;

(*b*) the Lokpal may be removed from his office in the manner provided in section 6.

(2) On ceasing to hold office, the Lokpal shall be ineligible for further employment to any office of profit under the Government of India or the Government of a State.

(3) The salary, allowances and pension payable to, and all other conditions of service of, the Lokpal shall be the same as those of the Chief Justice of India:

Provided that such salary shall be in addition to any pension to which the Lokpal may be entitled in respect of any previous service under the Government of India or under the Government of a State and no deduction shall be made from such salary on the ground of his having received any retirement gratuity, or on the ground that he received the commuted value of a portion of the pension, in respect of his previous service:

Provided further that the allowances and pension payable to, and other conditions of service of, the Lokpal shall not be varied to his disadvantage after his appointment.

Removal of Lokpal.

6. The Lokpal shall not be removed from his office except by an order made by the President on the ground of proved misbehaviour or incapacity after an inquiry made by the Chief Justice of India or, as the case may be, by such other Judge of the Supreme Court as the Chief Justice of India may nominate in this behalf, in which the Lokpal had been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.

Staff of Lokpal

7. (1) The Lokpal shall, for the purpose of assisting him in the discharge of his functions (including verification and inquiries in respect of complaints) under this Act, appoint a Secretary and such other officers and employees as the President may determine, from time to time, in consultation with the Lokpal.

(2) Without prejudice to the provisions of sub-section (1), the Lokpal may, for the purpose of dealing with any complaints or any classes of complaints, secure—

(i) the services of any officer or employee or investigating agency of the Central Government or a State Government with the concurrence of that Government; or

(ii) the services of any other person or agency.

(3) The terms and conditions of service of the officers and employees referred to in sub-section (1) and of the officers, employees, agencies and persons referred to in sub-section (2) (including such special conditions as may be considered necessary for enabling them to act without fear in the discharge of their functions) shall be such as the President may determine, from time to time, in consultation with the Lokpal.

(4) In the discharge of their functions under this Act, the officers and employees referred to in sub-section (1) and the officers, employees, agencies and persons referred to in sub-section (2) sshall be subject to the exclusive administrative control and direction of the Lokpal.

JURISDICTION AND PROCEDURE IN RESPECT OF INQUIRIES

Jurisdiction of Lokpal.

8. (1) Subject to the other provisions of this Act, the Lokpal may inquire into any matter involved in, or arising from, or connected with, any allegation made in a complaint.

(2) The Lokpal may inquire into any act or conduct of any person other than a public functionary in so far as he considers it necessary so to do for the purpose of his inquiry into any such allegation:

Provided that the Lokpal shall give such person a reasonable opportunity of being heard and to produce evidence in his defence.

(3) No matter in respect of which a complaint may be made under this Act shall be referred for inquiry under the Commissions of Inquiry Act, 1952, except on the recommendation, or with the concurrence, of the Lokpal.

60 of 1952.

Matters not subject to jurisdiction of Lokpal.

9. (*1*) The Lokpal shall not inquire into any matter concerning any person if he has any bias in respect of such matter or person and if any dispute arises in this behalf, the President shall, on an application made by the party aggrieved, obtain, in such manner as may be prescribed, the opinion of the Chief Justice of India and decide the dispute in conformity with such opinion.

(*2*) The Lokpal shall not inquire into any matter which has been referred for inquiry under the Commissions of Inquiry Act, 1952, on his recommendation or with his prior concurrence. 60 of 1952.

(*3*) The Lokpal shall not inquire into any complaint if the complaint is made after the expiry of five years from the date on which the offence mentioned in such complaint is alleged to have been committed.

Complaints.

10. (*1*) Any person other than a public servant may make a complaint under this Act to the Lokpal.

Explanation.—For the purpose of this sub-section, public servant means—

(*a*) any person who is a member of a Defence service or of a civil service of the Union or a State or of an all-India service or holds any post connected with Defence or any civil post under the Union or a State;

(*b*) any person in the service or pay of a local authority, a corporation established by or under a Central, Provincial or State Act or a Government company, as defined in section 617 of the Companies Act, 1956. 1 of 1956.

(*2*) The complaint shall be in the prescribed form and shall set forth particulars of the offence alleged and shall be accompanied by an affidavit in support of such particulars and a certificate in the prescribed form in respect of the deposit under sub-section (*3*) or, if the complainant is unable to make the deposit, an application for exemption from the requirement as to such deposit.

(*3*) The complainant shall deposit in such manner and with such authority or agency as may be prescribed a sum of one thousand rupees to be available for disposal under section 26:

Provided that the Lokpal may, for sufficient cause to be recorded in writing, exempt a complainant from the requirement under this sub-section.

(*4*) Notwithstanding anything contained in the foregoing sub-sections, any letter written to the Lokpal or, as the case may be, the appropriate authority by a person in any jail or other place of custody or in any asylum or other place for insane persons may, if the Lokpal or, as the case may be, the appropriate authority is satisfied that it is necessary so to do, be treated as a complaint made in accordance with the provisions of this section.

(*5*) Notwithstanding anything contained in any other enactment, it shall be the duty of a police officer or other person in charge of any jail or other place of custody or of any asylum or other place for insane

persons to forward, without opening, any letter addressed to the Lokpal or the appropriate authority by a person imprisoned or detained in such jail, place of custody, asylum or other place, to the Lokpal or the appropriate authority without delay.

Explanation.—"Appropriate authority" means any of the authorities which the Lokpal may, by general or special order, in writing determine to be appropriate authorities for the purposes of this section.

Preliminary scrutiny of complaints by Lokpal.

11. (*1*) If the Lokpal is satisfied, after considering a complaint and after making such verification as he deems appropriate,—

(*a*) that the complaint is not made within the period of five years specified in sub-section (*3*) of section 9; or

(*b*) that he cannot make an inquiry in respect of the complaint by reason of the provisions of sub-section (*1*) or sub-section (*2*) of section 9 or any other provision of this Act; or

(*c*) that the complaint is frivolous or vexatious or is not made in good faith; or

(*d*) that there are no sufficient grounds for inquiring into the complaint,

the Lokpal shall dismiss the complaint after recording his reasons therefor and communicate the same to the complainant and to the competent authority.

(*2*) The procedure for verification in respect of a complaint under sub-section (*1*) shall be such as the Lokpal deems appropriate in the circumstances of the case and in particular the Lokpal may, if he deems it necessary so to do, call for the comments of the public functionary concerned.

Procedure in respect of inquiries.

12. (*1*) If, after the consideration and verification under section 11 in respect of a complaint, the Lokpal proposes to conduct any inquiry, he—

(*a*) shall forthwith forward a copy of the complaint to the competent authority;

(*b*) may make such orders as to the safe custody of documents relevant to the inquiry as he deems fit;

(*c*) shall, at such time as he considers appropriate, forward a copy of the complaint to the public functionary concerned and afford him an opportunity to represent his case.

(*2*) Every such inquiry shall be conducted *in camera*.

(*3*) Save as aforesaid, the procedure for conducting any such inquiry shall be such as the Lokpal considers appropriate in the circumstances of the case

Power of Lokpal to issue, in certain circumstances, directions for deferring or suspending investigation into an offence.

13. (*1*) Where the Lokpal is satisfied—

(*a*) that investigation by any police officer under the Code of Criminal Procedure, 1973, into any offence in respect of which a complaint is made or into any matters connected therewith may prejudicially affect the conduct of inquiry under this Act with respect to such complaint; and 2 of 1974.

(*b*) that having regard to all the circumstances of the case it would be proper to defer such investigation pending the completion of such inquiry;

he may, by order in writing and for reasons to be recorded therein, direct that till the completion of such inquiry or for such shorter period as may be specified in the order, any such investigation shall be deferred or, as the case may be, shall be suspended:

Provided that no such direction shall apply with respect to any investigation required to be made in pursuance of an order of any court.

(*2*) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, in computing, for the purposes of Chapter XXXVI of that Code, the period of limitation for taking cognizance of any offence, being an offence the investigation in respect of which has been deferred or suspended by reason of an order under sub-section (*1*), the date on which such order was made, the period during which the investigation remained deferred or, as the case may be, suspended by reason of the order and the date on which the order ceased to have effect, shall be excluded. 2 of 1974.

Evidence.

14. (*1*) Subject to the provisions of this section, for the purpose of any inquiry (including the verification under section 11), the Lokpal—

(*a*) may require any public servant or any other person, who, in his opinion is able to furnish information or produce documents relevant to such inquiry, to furnish any such information or produce any such document;

(*b*) shall have all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:— 5 of 1908.

(*i*) summoning and enforcing the attendance of any person and examining him on oath;

(*ii*) requiring the discovery and production of any document;

(*iii*) receiving evidence on affidavits;

(*iv*) requisitioning any public record or copy thereof from any court or office;

(*v*) issuing commissions for the examination of witnesses or documents; and

(*vi*) such other matters as may be prescribed.

(*2*) A proceeding before the Lokpal shall be deemed to be a judicial proceeding within the meaning of section 193 of the Indian Penal Code. 45 of 1860.

(3) Subject to the provisions of sub-section (4),—

(a) no obligation to maintain secrecy or other restriction upon the disclosure of information obtained by or furnished to Government or any public servant, whether imposed by any enactment or by any provision of law whatever shall apply to the disclosure of information for the purposes of any inquiry (including the verification under section 11) under this Act; and

(b) the Government or any public servant shall not be entitled, in relation to any such verification or inquiry, to any such privilege in respect of the production of documents or the giving of evidence as is allowed by any enactment or by any provision of law whatever in legal proceedings.

(4) No person shall be required or authorised by virtue of this Act to furnish any such information or answer any such question or produce so much of any document—

(a) as might prejudice the security, or defence, or international relations, of India (including India's relations with the Government of any other country or with any international organisation), or the investigation or detection of crime; or

(b) as might involve the disclosure of proceedings of the Cabinet of the Union Government or of any Committee of such Cabinet,

and for the purpose of this sub-section, a certificate issued by a Secretary to the Government of India certifying that any information, answer, or portion of a document, is of the nature specified in clause (a) or clause (b) shall be binding and conclusive:

Provided that the Lokpal may require any information or answer or portion of a document in respect of which a certificate is issued under this sub-section to the effect that it is of the nature specified in clause (a) to be disclosed to him in private for scrutiny and if on such scrutiny the Lokpal is satisfied that such certificate ought not to have been issued, he shall declare the certificate to be of no effect.

Explanation.—For the purposes of this section "public servant" shall have the same meaning as in section 21 of the Indian Penal Code. 45 of 1860.

Search and seizure.

15. (1) If the Lokpal has reason to believe that any documents which, in his opinion, will be useful, or relevant to, any inquiry under this Act, are secreted in any place, he may authorise any officer subordinate to him, or any officer of an investigating agency referred to in sub-section (2) of section 7, to search for and to seize such documents.

(2) If the Lokpal is satisfied that any document seized under sub-section (1) would be evidence for the purpose of any inquiry under this Act and that it would be necessary to retain the document in his custody, he may so retain the said document till the completion of such inquiry:

Provided that where such document is seized before the commencement of such inquiry, the Lokpal shall return the document before the expiration of a period of one year from the date on which it is seized unless such inquiry has been commenced before such expiration.

Explanation.—For the purposes of this sub-section, an inquiry in respect of a complaint—

(*a*) shall be deemed to have commenced on the date on which the Lokpal forwards a copy of the complaint to the competent authority under clause (*a*) of sub-section (*1*) of section 12;

(*b*) shall be deemed to have been completed on the date on which the Lokpal closes the case under clause (*a*) of sub-section (*1*) of section 16 or where the Lokpal makes a report to the competent authority under clause (b) of that sub-section, on the expiry of the period mentioned in sub-section (*3*) of that section.

(*3*) The provisions of the Code of Criminal Procedure, 1973, relating to searches shall, so far as may be, apply to searches under this section subject to the modification that sub-section (5) of section 165 of the said Code shall have effect as if, for the word "Magistrate", wherever it occurs, the words "Lokpal or any officer authorised by him" were substituted. 2 of 1974.

Reports.

16. (*1*) If, after inquiry in respect of a complaint, the Lokpal is satisfied—

(*a*) that no allegation made in the complaint has been substantiated either wholly or partly, he shall close the case and intimate the complainant, the public functionary and the competent authority accordingly;

(*b*) that all or any of the allegations made in the complaint have or has been substantiated either wholly or partly, he shall by report in writing, communicate his findings and recommendations to the competent authority and intimate the complainant and the public functionary about his having made the report.

(*2*) The competent authority shall examine the report forwarded to it under clause (*b*) of sub-section (*1*) and communicate to the Lokpal, within three months of the date of receipt of the report, the action taken or proposed to be taken on the basis of the report.

(*3*) The Lokpal shall present annually to the President a consolidated report on the administration of this Act and the President shall, as soon as may be after, and in any case not later than ninety days from the receipt of such report, cause the same, together with an explanatory memorandum, to be laid before each House of Parliament.

Explanation.—In computing, the period of ninety days referred to in this sub-section, any period during which Parliament or, as the case may be, either House of Parliament, is not in session, shall be excluded.

MISCELLANEOUS

17. The salaries, allowances and pensions payable to, or in respect of the Lokpal shall be expenditure charged on the Consolidated Fund of India

Expenditure on Lokpal to be charged on the Consolidated Fund of India.

18. (*1*) Any information obtained by the Lokpal, or by any officer, employee, agency or person referred to in section 7, in the course of, or for the purposes of, any verification or inquiry under this Act, and any evidence recorded or collected in connection therewith shall be treated as confidential and, notwithstanding anything contained in the Indian Evidence Act, 1872, no court shall be entitled to compel the Lokpal, or any such officer, employee, agency or person, to give evidence relating to such information or to produce the evidence so recorded or collected.

1 of 1872.

Secrecy of information.

(*2*) Nothing in sub-section (*1*) shall apply to the disclosure of the information or evidence referred to therein—

(*a*) for the purposes of this Act or for the purposes of any action or proceedings to be taken on any report under section 16; or

(*b*) for the purposes of any proceedings, for an offence of giving or fabricating false evidence, under the Indian Penal Code; or

45 of 1860.

(*c*) for such other purposes as may be prescribed.

19. (*1*) Whoever intentionally offers any insult, or causes any interruption, to the Lokpal while the Lokpal is making any verification or conducting any inquiry under this Act, shall be punished with simple imprisonment for a term which may extend to six months, or with fine, or with both.

Intentional insult or interruption to, bringing into disrepute, Lokpal.

(*2*) Whoever, by words spoken or intended to be read, makes or publishes any statement, or does any other act, which is calculated to bring the Lokpal into disrepute, shall be punished with simple imprisonment for a term which may extend to six months, or with fine, or with both.

(*3*) The provisions of sub-section (*2*) of section 199 of the Code of Criminal Procedure, 1973, shall apply in relation to an offence under sub-section (*1*) or sub-section (*2*) as they apply in relation to an offence referred to in sub-section (*2*) of the said section 199, subject to the modification that no complaint in respect of such offence shall be made by the Public Prosecutor except with the previous sanction of the Lokpal.

2 of 1974.

20. (*1*) If, at any stage of a proceeding before the Lokpal, it appears to the Lokpal that any person appearing in such proceeding had knowingly or wilfully given false evidence or had fabricated false evidence with the intention that such evidence should be used in such proceeding, the Lokpal may, if satisfied that it is necessary and expedient in the interests of justice that the person should be tried summarily for giving or

Power of Lokpal to try certain offences summarily.

fabricating, as the case may be, false evidence, take cognizance of the offence and may, after giving the offender a reasonable opportunity of showing cause why he should not be punished for such offence, try such offender summarily, so far as may be, in accordance with the procedure prescribed for summary trials under the Code of Criminal Procedure, 1973, and sentence him to imprisonment for a term which may extend to three months, or to fine which may extend to five hundred rupees or to both. 2 of 1974.

(2) When any such offence as is described in section 175, section 178, section 179 or section 180 of the Indian Penal Code is committed in the view or presence of the Lokpal, the Lokpal may cause the offender to be detained in custody and may, at any time on the same day, take cognizance of the offence and, after giving the offender a reasonable opportunity of showing cause why he should not be punished under this section, try such offender summarily so far as may be in accordance with the procedure prescribed for summary trials under the Code of Criminal Procedure, 1973 and sentence him to simple imprisonment for a term which may extend to one month or to fine which may extend to five hundred rupees or to both. 45 of 1860. 2 of 1974.

(3) In every case tried under this section, the Lokpal shall record the facts constituting the offence with the statement (if any) made by the offender as well as the finding and the sentence.

(4) Any person convicted on a trial held under this section may appeal to the High Court and the provisions of Chapter XXIX of the Code of Criminal Procedure, 1973, shall, so far as may be, apply to appeals under this section and the High Court may alter or reverse the finding, or reduce or reverse the sentence appealed against. 2 of 1974.

Explanation.—For the purposes of this sub-section "High Court" means, the High Court within the jurisdiction of which the person convicted ordinarily resides or carries on business or personally works for gain or the High Court within whose jurisdiction the order of conviction has been passed.

(5) The provisions of this section shall have effect notwithstanding anything contained in the Code of Criminal Procedure, 1973. 2 of 1974.

Disclosure of information and publication of false information in respect of complaints and proceedings under this Act.

21. (1) If any person prints or publishes any information with respect to any complaint under this Act (including the identity of the person making the complaint, the public functionary against whom the complaint has been made and the particulars contained in the complaint) or with respect to any proceeding, act or thing taken or done or purported to have been taken or done under this Act in relation to such complaint—

(a) where the Lokpal dismisses such complaint under section 11, at any time before such dismissal; or

(b) where the Lokpal closes the case with respect to such complaint under clause (a) of sub-section (1) of section 16, at any time before such closure; or

(c) where the Lokpal forwards to the competent authority a report of his findings and recommendations with respect to such complaint under clause (b) of sub-section (1) of section 16, at any time before the expiry of three months from the date of receipt of the report by the competent authority,

such person shall be guilty of an offence under this sub-section.

(2) If any person prints or publishes any information alleging or suggesting that a complaint has been made under this Act against any public functionary and such information is false, such person shall be guilty of an offence under this sub-section.

(3) When any offence under sub-section (1) or sub-section (2) is committed, the Lokpal may take cognizance of the offence and, after giving the offender reasonable opportunity of showing cause why he should not be punished for such offence, try such offender summarily so far as may be in accordance with the procedure prescribed for summary trials under the Code of Criminal Procedure, 1973 and sentence him to imprisonment for a term which may extend to six months or to fine which may extend to ten thousand rupees or to both.

2 of 1974.

(4) In every case tried under this section, the Lokpal shall record the facts constituting the offence with the statement (if any) made by the offender as well as the findings and the sentence.

(5) Any person convicted in a trial under this section may with the leave of the Supreme Court, prefer an appeal to the Supreme Court within thirty days of such conviction or within such further period as the Supreme Court may for sufficient cause allow and, save as aforesaid, no appeal or revision shall lie in any court against such conviction.

(6) The provisions of this section shall have effect notwithstanding anything contained in the Code of Criminal Procedure, 1973.

2 of 1974.

Action in case of false complaints.

22. (1) Every person who makes any complaint which is held by the Lokpal to be false shall be punishable as provided in sub-section (2).

(2) When any offence under sub-section (1) is committed, the Lokpal may take cognizance of the offence and after giving the offender a reasonable opportunity of showing cause why he should not be punished for such offence, try such offender summarily, so far as may be, in accordance with the procedure prescribed for summary trials under the Code of Criminal Procedure, 1973 and sentence him to imprisonment for a term which shall not be less than one year but which may extend to three years and also to fine which may extend to fifty thousand rupees and may also award, out of the amount of fine, to the public functionary against whom such false complaint has been made, such amount of compensation as the Lokpal thinks fit.

2 of 1974.

(3) In every case tried under this section, the Lokpal shall record the facts constituting the offence with the statement (if any) made by the offender as well as the findings and the sentence.

(4) Any person convicted on a trial under this section may, with the leave of the Supreme Court, prefer an appeal to the Supreme Court within thirty days of such conviction or within such further period as the Supreme Court may for sufficient cause allow and, save as aforesaid, no appeal or revision shall lie in any court against such conviction.

(5) The provisions of this section shall have effect notwithstanding any thing contained in the Code of Criminal Procedure, 1973.

2 of 1974.

Application of Act 2 of 1974.

23. Subject to the other provisions of this Act and subject to the modification that for purpose of transfer of any case under section 21 or section 22, the provisions of section 406 of the Code of Criminal Procedure, 1973, shall alone apply, the provisions of the said Code shall apply to proceedings before a Lokpal under sections 20, 21 and 22 and for the purposes of the said provisions of that Code and the said proceedings the Lokpal shall be deemed to be a Court of Session and shall have all the powers of a Court of Session.

Bar of prosecution on allegations not proved or not substantiated.

24. Notwithstanding anything contained in any other law for the time being in force, where on an inquiry in respect of a complaint against a public functionary the Lokpal or the competent authority has held that any allegations made in the complaint have not been proved or substantiated, no prosecution shall lie on any complaint, report, information or otherwise and no court shall take cognizance of any offence on the basis of the same or substantially the same allegations as in the complaint.

Conferment of additional functions on Lokpal.

25. (*1*) The President may, by order in writing and subject to such conditions or limitations as may be specified in the order, require the Lokpal to inquire into any allegation (being an allegation in respect of which a complaint may be made) specified in the order in respect of a public functionary and, notwithstanding anything contained in this Act, the Lokpal shall comply with such order.

(*2*) When the Lokpal is to make any inquiry under sub-section (*1*), the Lokpal shall exercise the same powers and discharge the same functions as he would in the case of any inquiry made on a complaint under this Act and the provisisions of this Act (except section 22) shall apply accordingly.

Disposal of deposit.

26. The sum deposited by a complainant under section 10 shall,—

(*a*) in a case where the complaint is dismissed under clause (*c*) of sub-section (*1*) of section 11, stand forfeited to the Central Government;

(*b*) if the Lokpal, for reasons to be recorded in writing, so directs, be utilised for compensating the public functionary complained against; and

(*c*) in any other case, be refunded to the complainant.

Compensation or reward or both payable in certain cases to complainant.

27. If the Lokpal is satisfied—

(a) that all or any of the allegations made in a complaint have or has been substantiated either wholly or partly; and

(b) that having regard to the expenses incurred by the complaint in relation to the proceedings in respect of such complaint and all other relevant circumstances of the case the complainant deserves to be compensated or rewarded,

the Lokpal shall determine the amount which shall be paid to the complaint by way of such compensation or reward and the Central Government shall pay the amount or amounts so determined to the complainant.

Protection.

28. (*1*) No suit, prosecution, or other legal proceedings, shall lie against the Lokpal or against any officer, employee, agency or person referred to in section 7, in respect of anything which is in good faith done, or intended to be done, under this Act,

(2) Save as otherwise provided in this Act, no proceedings or decision of the Lokpal shall be liable to be challenged, reviewed, quashed or called in question, in any court.

Power to delegate.

29. The Lokpal may, by general or special order in writing, and subject to such conditions and limitations as may be specified therein, direct that any powers conferred or duties imposed on him by or under this Act [except the powers under the proviso to sub-section (3) of section 10, the power to dismiss a complaint under sub-section (1) of section 11, the powers to close cases and make reports under section 16 and the powers under sections 20, 21 and 22] may also be exercised or discharged by such of the officers, employees or agencies referred to in sub-section (1) or sub-section (2) of section 7, as may be specified in the order.

Power to make rules.

30. (1) The President may, by notification in the Official Gazette, make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing provisions, such rules may provide for—

(a) the form in which complaints may be made under section 10 and the fees, if any, which may be charged in respect thereof;

(b) the manner in which and the authorities or agencies with whom deposits shall be made under sub-section (3) of section 10 and the form in which certificates shall be furnished in respect of such deposits under sub-section (1) of section 10;

(c) the matters referred to in sub-clause (vi) of clause (b) of sub-section (1) of section 14;

(d) any other matter which is to be or may be prescribed.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session imimediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule, or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Removal of doubts.

31. For the removal of doubts, it is hereby declared that nothing in this Act shall operate to confer or enable the conferring of any jurisdiction on the Lokpal to make any inquiry into any allegation against or any act or conduct of,—

(a) the President, the Vice-President, the Prime Minister or the Speaker of the Lok Sabha;

(b) the Chief Justice or any other Judge of the Supreme Court of India;

(c) the Comptroller and Auditor-General of India, the Chief Election Commissioner of India or the Chairman or any other Member of the Union Public Service Commission.

Savings.

32. Nothing contained in this Act shall be construed as affecting the constitution of, or the continuance of functioning or exercise of powers by, any Commission of Inquiry appointed under the Commissions of Inquiry Act, 1952, before the commencement of this Act and no complaint shall be made under this Act in respect of any matter referred for inquiry to such Commission before such commencement. 60 of 1952.

Consequential amendment of Act 60 of 1952.

33. In section 3 of the Commissions of Inquiry Act, 1952, in sub-section (*1*), for the words "The appropriate Government may", the words, brackets and figures "Subject to the provisions of sub-section (*3*) of section 8 of the Lokpal Act, 1985, the appropriate Government may" shall be substituted.

THE SCHEDULE

[*See* section 3(2)]

I, , having been appointed Lokpal, do swear in the name of God ——————————, that I will bear true faith and allegiance to the Constitution of India as by law established, that I will duly and faithfully and to the best of my ability, knowledge and judgment perform the duties of my office without fear or favour, affection or ill-will.

solemnly affirm

STATEMENT OF OBJECTS AND REASONS

In its interim report on the "Problem of Redress of Citizens' Grievances" submitted in 1966, the Administrative Reforms Commission recommended, *inter alia*, the setting up of an institution of Lokpal.

2. To give effect to this recommendation of the Administrative Reforms Commission, a Bill called the "Lokpal and the Lokayuktas Bill, 1968" was introduced in the Fourth Lok Sabha in 1968. The Bill was considered by a Joint Committee of the two Houses of Parliament and the Bill, as reported by the Joint Committee, was passed by the Lok Sabha in 1969. While this Bill was pending in Rajya Sabha, the Fourth Lok Sabha was dissolved; and consequently, the Bill lapsed. In 1971, the Bill as passed by the previous Lok Sabha, was re-introduced in the Lok Sabha as the "Lokpal and Lokayuktas Bill, 1971". This Bill also lapsed on the dissolution of the Fifth Lok Sabha.

3. A fresh Bill called the "Lokpal Bill, 1977" was introduced in the Lok Sabha in 1977. This Bill was referred to a Joint Committee of both the Houses of Parliament which submitted its report in July, 1978. When the Bill, as reported by the Joint Committee, was under consideration of the Lok Sabha, the Lok Sabha was prorogued and was subsequently dissolved. Consequently that Bill also lapsed.

4. The scheme of the Lokpal under the 1977 Bill was materially different from the scheme under the 1971 Bill. The Lokpal Bill, 1977 covered only allegations of misconduct against Members of the Council of Ministers of the Union Government including the Prime iMinister, Members of Parliament and Chief Ministers of States. Grievances, as distinct from allegations of misconduct, were excluded from his jurisdiction. It was also provided that the Lokpal would have under his direct administrative control an independent machinery to assist him in the discharge of his functions.

5. The present Bill seeks to set up the office of Lokpal as a high office with a fixed tenure. With a view to ensuring that the Lokpal is able to act independently and discharge his functions without fear or favour, the Bill provides that the Lokpal shall not be removed from his office except by an order made by the President on the ground of proved misbehaviour or incapacity after an inquiry made by the Chief Justice of India or by any other Judge of the Supreme Court nominated by the Chief Justice of India for this purpose. Under the scheme of the Bill, the Lokpal will inquire into complaints alleging that a public functionary as defined in the Bill has committed an offence punishable under Chapter IX of the Indian Penal Code or under the Prevention of Corruption Act, 1947 and the expression "public functionary" cover Ministers, Ministers of State, Deputy Ministers and Parliamentary Secretaries of

the Union. It seeks to carry out in this respect the object and purpose of the recommendations of the Administrative Reforms Commission for enabling the citizen to have recourse to a convenient and effective forum for determination of complaints and thereby save him from pursuing his remedy through the process of courts, which may prove expensive or dilatory and may not facilitate in speedy determination. The Bill also seeks to make special provisions for discouraging frivolous, vexatious and false complaints. The Notes on clauses explain the provisions contained in the Bill.

6. The Bill seeks to achieve the above objects.

NEW DELHI;
The 25th August, 1985.

A. K. SEN.

Clause 2.—

Sub-clause (*a*)—The definition of "competent authority" is relevant for the purposes of clauses 11(1), 12(1) and clause 16(1) and (2).

Sub-clause (b)—This sub-clause makes it clear that a complaint under the proposed legislation can be made in respect of offences under Chapter IX of the Indian Penal Code, or under the Prevention of Corruption Act, 1947.

Sub-clauses (*c*) and (*d*)—These sub-clauses are self-explanatory.

Sub-clause (*e*)—This sub-clause defines the expression "public fuctionary".

Clause 3.—This clause provides for the appointment of Lokpal. The Lokpal will be appointed after consultation with the Chief Justice of India. The person to be appointed as Lokpal will be a serving or a retired Judge of the Supreme Court of India or a person qualifield to be a Judge of that Court.

Clause 4.—This clause is self-explanatory.

Clause 5.—This clause provides for the term of office and other conditions of service of the Lokpal. His conditions of service, salary, allowances and pension will be the same as those of the Chief Justice of India. The salary of the Lokpal will be in addition to any pension which he might be entitled to in respect of any previous service under the Government of India or under the Government of a State, and no deduction will also be made in regard to any retirement gratuity or commuted value of pension in respect of his previous service. After a person is appointed as Lokpal his conditions of service, allowances and pension payable to him shall not be varied to his disadvantage.

Clause 6.—This clause deals with the removal of Lokpal.

Clause 7.—This clause deals with the staff of the Lokpal and the powers of the Lokpal to utilise the services, *inter alia*, of any investigating agencies of Government and of any other agencies.

Clause 8.—This clause deals with the jurisdiction of the Lokpal. Sub-clause (1) provides that the Lokpal may inquire into any matter involved in, or arising from, or connected with any allegation made in a complaint. Sub-clause (2) provides that the Lokpal may conduct an inquiry into any act or conduct of any person other than the public functionary concerned if he considered it necessary to do so for the purposes of his inquiry into any allegation. Sub-clause (3) provides that an inquiry under the Commissions of Inquiry Act, 1952 cannot be made in

respect of a matter in respect of which a complaint has been made to the Lokpal except on the recommendation or with the concurrence of the Lokpal.

Clause 9.—It provides that Lokpal shall not inquire into any matter in respect of any person if he has bias in respect of such person or matter, or into any matter which has been referred for inquiry under the Commissions of Inquiry Act, 1952, on his recommendation or with his prior concurrence. It also provides that Lokpal shall not inquire into any complaint made after a period of five years from the date of the commission of the offence mentioned in the complaint.

Clause 10.—This clause provides that any person other than a public servant as defined therein can file a complaint which shall be in the prescribed form and shall be accompanied by an affidavit. This clause also provides for a deposit of Rs. 1000 by the complainant.

Clause 11.—This clause provides for preliminary scrutiny of complaints by the Lokpal.

Clause 12.—This clause provides for the procedure for making inquiries into the complaints by the Lokpal.

Clause 13.—This clause provides for deferment or for suspension for a specified period or till the completion of inquiry by the Lokpal of any investigation or inquiry by any police officer under the Code of Criminal Procedure, 1973, in respect of matters connected with a complaint being inquired into by the Lokpal by an order and for the reasons to be recorded. However, the Lokpal cannot give such a direction in respect of any investigation to be made in pursuance of an order of any Court. Sub-clause (2) of this clause also provides that for the purposes of Chapter XXXVI of the Code of Criminal Procedure, 1973, the period of deferment or suspension of any investigation into an offence shall be excluded from the period of limitation for taking cognizance of the offence.

Clause 14.—Sub-clause (1) of this clause deals with the powers of the Lokpal to require any public servant to furnish any information or produce any document. Sub-clause (2) provides that the proceedings before the Lokpal shall be deemed to be judicial proceedings within the meaning of section 193 of the Code of Criminal Procedure, 1973.

Clause 15.—This clause seeks to confer powers of search and seizure on the Lokpal.

Clause 16.—This clause relates to reports of the Lokpal and action thereon. Sub-clause (1) provides that when, after inquiry no allegation made in the complaint is substantiated the Lokpal shall close the case and intimate the complainant, the public functionary and the competent authority accordingly. When all or any of the allegations made in the complaint are substantiated, the Lokpal will make a report communicating his findings and recommendations to the competent authority and will also intimate the complainant as well as the public functionary about his having made the report. Sub-clause (2) provides that the competent authority will inform the Lokpal of the action taken or proposed to be taken on the report within a period of three months. Sub-

clause (3) provides for the presentation by the Lokpal of annual reports on the administration of the Act to the President and for the laying of such reports before the Houses of Parliament.

Clause 17.—This clause provides that the expenditure on Lokpal shall be charged on the Consolidated Fund of India.

Clause 18.—This clause provides for secrecy of information and evidence collected during any inquiry by Lokpal.

Clause 19.—This clause provides for punishment for intentional insult or interruption to or bringing into disrepute the Lokpal.

Clause 20.—This clause seeks to confer powers on the Lokpal to try summarily and punish persons giving false evidence, etc. in any proceedings before the Lokpal for committing offences under sections 175, 178, 179 or 180 of the Indian Penal Code in the view or presence of the Lokpal. The clause also provides that a person convicted thereunder may prefer an appeal to the High Court within the jurisdiction of which the person convicted ordinarily resides or carries on business or personally works for gain or the High Court within whose jurisdiction the order of conviction has been passed.

Clause 21.—Disclosure of information in respect of complaints against public functionary or proceedings relating thereto causes irreperable damage to the public functionary in those cases where the public functionary has been absolved of the charges against him. This clause accordingly makes printing or publication of any such information in relation to any complaint before the inquiry under the Act has reached a definitive stage an offence triable summarily by the Lokpal. The clause also seeks to make the printing or publishing of any false information alleging or suggesting that a complaint has been made against a public functionary an offence triable summarily by the Lokpal. The clause also provides that an appeal against any conviction for any offence thereunder may be made to the Supreme Court of India with the leave of that Court.

Clause 22.—This clause provides for the punishment which may be awarded by the Lokpal to a person making a complaint which is found by the Lokpal to be false. The clause also provides that any person convicted thereunder may, with the leave of the Supreme Court, prefer an appeal to that Court.

Clause 23.—This clause provides for the modified application of the provisions of the Code of Criminal Procedure for the trial of offence under sections 20, 21 and 22.

Clause 24.—This clause provides for bar of prosecution on allegations not proved or not substantiated before the Lokpal.

Clause 25.—This clause relates to conferment of certain additional functions on the Lokpal and is self-explanatory.

Clause 26.—This clause provides for the disposal of desposits made by the complainants.

Clause 27.—This clause provides for compensation or reward or both payable to complainant in the event of all or any of the allegations made in a complaint being substantiated.

Clause 28.—This clause provides for protections from legal proceedings, etc.

Clause 29.—This clause provides for delegation of powers by the Lokpal to his staff, etc.

Clause 30.—This clause provides for the power of the President to make rules.

Clause 31.—This clause seeks to make it clear that the Lokpal shall not have any jurisdiction to conduct any inquiry into any allegation against or any act or conduct of the President, the Vice-President, the Prime Minister or the Speaker of the Lok Sabha or the Chief Justice or any other Judge of the Supreme Court of India or the Comptroller and Auditor General of India or the Chief Election Commissioner of India or the Chairman or any other member of the Union Public Service Commission.

Clause 32.—This clause provides that the provisions of this Bill shall not affect the constitution or the continuance of any Commission of Inquiry appointed under the Commissions of Inquiriy Act, 1952 before the coming into force of the provisions of this Bill.

Clause 33.—This clause seeks to make a consequential amendment in the Commissions of Inquiry Act, 1952.

FINANCIAL MEMORANDUM

Clause 3(1) of the Bill provides for the appointment of the Lokpal. Clause 5(3) of the Bill envisages that the salary, allowances and pension payable to, and all other conditions of service of, the Lokpal shall be the same as those of the Chief Justice of India. It also provides that the salary payable to the Lokpal shall be in addition to any pension and pension equivalent of other pensionary benefits to which the Lokpal may be entitled to in respect of any previous service under the Government of India or under the Government of a State.

2 Sub-clause (1) of clause 7 provides that the Lokpal shall appoint a Secretary and such other officers and employees as the President may determine, from time to time, in consultation with Lokpal to assist him in the discharge of his functions. Sub-clause (2) of clause 7 empowers the Lokpal to secure for the purpose of dealing with any complaints or any classes of complaints, the services of any officer or employee or investigating agency of the Central Government or a State Government or the services of any other person or agency. Sub-clause (3) of clause 7 provides that the terms and conditions of service of the officers and employees of the Lokpal and of the officers, employees, agencies and persons referred to in sub-clause (2) of that clause shall be such as the President may determine in consultation with the Lokpal.

3. Clause 17 of the Bill provides that the expenditure on Lokpal shall be charged on the Consolidated Fund of India.

4. Clause 27 of the Bill provides for payment of compensation or reward to a complainant as determined by the Lokpal, by the Central Government.

5. At this stage, it is not possible to give precise details of the expenditure to be incurred on the Lokpal. It is, however, expected that the Bill when enacted, will involve a non-recurring expenditure of Rs. 5 lakhs and a recurring expenditure of Rs 25 lakhs a year. In case it becomes necessary to construct a building to house the establishment of the Lokpal, additional expenditure of a non-recurring nature of the order of Rs. 50 lakhs may also be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 30 of the Bill empowers the Central Government to make rules for the purpose of carrying into effect the provisions of proposed enactment. The various matters in relation to which such rules may be made have been enumerated in detail under various items of sub-clause (2) of that clause and relate mainly to the form in which complaints may be made and the fees, if any, which may be charged in respect thereof; the manner in which and the authorities or agencies with whom deposits shall be made under sub-clause (3) of clause 10 and the form in which certificate shall be furnished in respect of such deposits under sub-clause (2) of clause 10; and the additional matters in respect of which powers of a civil court may be exercised by the Lokpal. These are matters of detail necessary for effective administration of the provisions of the Bill and it is difficult to provide for all the situations in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

ANNEXURE

EXTRACT FROM THE COMMISSIONS OF INQUIRY ACT, 1952

(60 OF 1952)

* * * * *

Appointment of Commission.

3. (*1*) The appropriate Government may, if it is of opinion that it is necessary so to do, and shall, if a resolution in this behalf is passed by the House of the People or, as the case may be, the Legislative Assembly of the State, by notification in the Official Gazette, appoint a Commission of Inquiry for the purpose of making an inquiry into any definite matter of public importance and performing such functions and within such time as may be specified in the notification, and the Commission so appointed shall make the inquiry and perform the functions accordingly:

Provided that where any such Commission has been appointed to inquire into any matter—

(*a*) by the Central Government, no State Government shall, except with the approval of the Central Government, appoint another Commission to inquire into the same matter for so long as the Commission appointed by the Central Government is functioning;

(*b*) by a State Government, the Central Government shall not appoint another Commission to inquire into the same matter for so long as the Commission appointed by the State Government is functioning, unless the Central Government is of opinion that the scope of the inquiry should be extended to two or more States.

* * * * *

LOK SABHA

A

BILL

to provide for the appointment of a Lokpal to inquire into allegations of corruption against Union Ministers and for matters connected therewith.

(Shri Asoke Kumar Sen, Minister of Law and Justice)

APPENDIX I

(*Vide* Paragraph 2 of the Report)

MOTION IN LOK SABHA FOR REFERENCE OF THE BILL TO THE JOINT COMMITTEE

"That the Bill to provide for the appointment of a Lokpal to inquire into allegations of corruption against Union Ministers and for matters connected therewith, be referred to a Joint Committee of the Houses consisting of 45 members, 30 from this House, namely:—

(1) Shri Asoke Kumar Sen
(2) Shri H. K. L. Bhagat
(3) Shri K. P. Singh Deo
(4) Shri K. P. Unnikrishnan
(5) Prof. N. G. Ranga
(6) Prof. K. K. Tewari
(7) Shri T. Basheer
(8) Shri C. D. Patel
(9) Shri B. V. Desai
(10) Shri Aziz Qureshi
(11) Shri Y. S. Mahajan
(12) Shri G. G. Swell
(13) Shri P. Chidambaram
(14) Shri Braja Mohan Mohanty
(15) Shri Brahma Dutt
(16) Shri Manoranjan Bhakta
(17) Shri Shyam Lal Yadav
(18) Shri Mool Chand Daga
(19) Shri Zainul Basher
(20) Prof. M. R. Halder
(21) Shri Priya Ranjan Das Munsi
(22) Shri Eduardo Faleiro
(23) Shri Sharad Dighe
(24) Shri D. K. Naikar
(25) Shri C. Madhav Reddy
(26) Shri Amal Datta
(27) Shri P. Kolandaivelu
(28) Prof. Madhu Dandavate
(29) Shri Indrajit Gupta
(30) Shri Ebrahim Sulaiman Sait

and 15 from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by 15th March, 1986;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees shall apply with such variations and modifications as the Speaker may make; and

that this House do recommend to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of 15 members to be appointed by Rajya Sabha to the Joint Committee."

APPENDIX II

(*Vide* Paragraph 3 of the Report)

MOTION IN RAJYA SABHA FOR REFERENCE OF THE BILL TO THE JOINT COMMITTEE

"That this House concurs in the recommendation of the Lok Sabha that the Rajya Sabha do join in the Joint Committee of the Houses on the Bill to provide for the appointment of a Lokpal to inquire into allegations of corruption against Union Ministers and for matters connected therewith and resolves that the following fifteen Members of the Rajya Sabha be nominated to serve on the said Joint Committee:—

(1) Shri P. Shiv Shanker
(2) Shri Hansraj Bhardwaj
(3) Shri N. K. P. Salve
(4) Shri Sultan Singh
(5) Shri Anand Sharma
*(6) Shri Murlidhar Chandrakant Bhandare
(7) Shri P. N. Sukul
(8) Shri Baharul Islam
(9) Shri Darbara Singh
(10) Shri Lal K. Advani
(11) Shri Virendra Verma
(12) Shri Parvathaneni Upendra
(13) Shri Dipen Ghosh
(14) Shri R. Mohanrangam
(15) Shri Murasoli Maran."

*The above motion was amended by a subsequent motion moved by Shri Asoke Kumar Sen substituting the name of Shrimati Pratibha Devi Singh Patil for the name of Shri Murlidhar Chandrakant Bhandare.

APPENDIX III

(*Vide* para 8 of the Report)

LIST OF ASSOCIATIONS, ORGANISATIONS, INDIVIDUALS ETC. FROM WHOM MEMORANDA WERE RECEIVED BY THE JOINT COMMITTEE

1. Shri J. P. Goel, Delhi.
2. Dr. L. M. Singhvi, New Delhi.
3. Swami Harinarayan Anand, Chairman, Central Bharat Sevak Samaj, New Delhi.
4. Justice Rajindar Sachar, Chief Justice, High Court, Delhi.
5. Shri M. Guruswamy, Madurai.
6. Shri Ratilal Bhogilal Shah, Ghatkoper (E), Bombay.
7. Shri Chandra Prakash, Shanti Bagan Street, Calcutta.
8. Shri S. V. Bhave, Up-lokayukta, Maharashtra, Pune.
9. Shri V. S. Deshpande, Lokayukta, Maharashtra, Bombay.
10. Shri D. D. Diwan, Chairman, Citizens Advice Bureau, East Patel Nagar, New Delhi.
11. Justice Avula Sambasiva Rao, Lok Ayukta, Andhra Pradesh. Pioneer House, Samajiguda, Hyderabad.
12. Shri D. K. Naikar, MP.
13. Maj. M. L. Malhotra, 167, Sainik Farm, New Delhi.
14. Shri S. S. Singh, C-12, University Professors' Colony, Pachpedhi, Jabalpur.
15. Shri Madan Raj S. Bhandari, Advocate, 445, Sardarpura. Jodhpur.
16. Government of Mizoram, (Law and Judicial Department), Aizawl.
17. The Bar Council of Rajasthan. Jaipur.
18. Government of Himachal Pradesh, Shimla.

19. Shri Sohinder Singh Marwaha, Bhopal.

20. Shri M. P. Athavale, Nagpur.

21. Shri Ramanbhai Majithia, Jamnagar.

22. Shri Miththan Lal Kulshreshta,
Laskar, Gwalior.

23. Shri R. Raji Kumar,
New Delhi-19.

24. Sahadhyayan, Bombay-28.

25. State Government of Kerala.

26. Shri Gobardhan Pujari, Rourkela.

27. Justice M. L. Shrimal,
Lokayukta. Rajasthan,
Jaipur.

28. Shri E. K. Nayanar, MLA,
Leader of Opposition,
Kerala Legislature,
Trivandrum.

29. Justice Avula Sambasiva Rao,
Lokayukta,
Andhra Pradesh,
Hyderabad.

30. All India Freedom Fighters Organisation
(Kerala State Unit),
Trivandrum.

31. Justice B. K. Patra, Lokpal
Orissa, Bhubaneshwar.

32. Bar Council of Maharashtra,
Bombay.

33. Shri D. Sen,
Formerly Director C.B.I.,
New Delhi.

34. Shri P. M. Bakshi,
Formerly Member,
Law Commission,
New Delhi.

APPENDIX IV

(*Vide* para 10 of the Report)

LIST OF WITNESSES WHO TENDERED ORAL EVIDENCE BEFORE THE COMMITTEE

1. Shri U. C. Aggarwal,
   Central Vigilance Commissioner, New Delhi
2. Indian Institute of Public Administration

   SPOKESMEN:

   (a) Prof. K. S. Shukla

   (b) Dr. S. S. Singh
3. Bar Council of India, New Delhi

   SPOKESMEN:

   (a) Shri V. R. Reddy

   (b) Shri Chaman Lal Sachdeva

   (c) Shri O. P. Sharma
4. Dr. L. M. Singhvi,
   New Delhi.
5. Justice P. N. Bhagwati (Retd.),
   New Delhi.
6. Shri P. M. Bakshi,
   Formerly Member,
   Law Commission, New Delhi.
7. Shri D. Sen,
   Formerly Director, CBI,
   New Delhi.
8. Dr. P. S. N. Patro,
   Head of the Department of Political Science,
   KSUB College,
   Bhanja Nagar,
   Orissa.

MOST IMMEDIATE

APPENDIX V

(*Vide* Para 15 of the Report)

No. 407|5|88-AVD.IV

MINISTER OF STATE
FOR
PERSONNEL AND HOME AFFAIRS
GOVERNMENT OF INDIA

To

The Secretary-General,
Lok Sabha,
New Delhi.

November 21, 1988

Sir,

I hereby give notice of my intention to move the following motion in Lok Sabha:—

"That leave be granted to withdraw the Bill to provide for the appointment of a Lokpal to inquire into allegations of corruption against Union Ministers and for matters connected therewith and which stands referred to a Joint Committee of the Houses".

Yours faithfully,

Sd|-
(P. CHIDAMBARAM)

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES & PENSIONS (DEPARTMENT OF PERSONNEL & TRAINING)

Statement giving brief reasons for the withdrawal of the Bill which is now pending before the Joint Committee of the Lok Sabha.

The Lokpal Bill, 1985 was introduced in Lok Sabha on 26-8-85. According to the statement of objects and reasons of the Bill, it was to give effect to the recommendations of the Administrative Reforms Commission in its interim report on the "Problems of redress of citizens' grievances".

2. The Lokpal Bill, 1985 provides for inquiry by the Lokpal into complaints alleging that a public functionary has committed an offence or misconduct amounting to corruption. The Bill does not, however, make any provision for the redress of grievances arising out of any act or omission of Government or a public functionary or an employee of Government which does not involve any element of corruption.

3. Any system or machinery to redress the grievances of citizens should also provide for the large number of cases where the complainant cannot, and therefore, does not, allege any act of corruption or any corrupt motive on the part of the public functionary or the Government servant. Such cases do not, however, fall within the scope of the Lokpal Bill, 1985. A number of prominent persons who tendered evidence before the Joint Committee have also expressed the view that the Bill is defective because it does not provide for redress of the grievances of citizens but only provides for a pre-trial inquiry into cases of corruption. They have pointed out that the bulk of the grievances of citizens would fall outside the scope of the Lokpal Bill and in that scene the Lokpal would not serve the purposes which were envisaged by the Administrative Reforms Commission.

4. Since the introduction of the Lokpal Bill, 1985, in August, 1985, a number of developments have also taken place. The Prevention of Corruption Act, 1988 has come into effect w.e.f. 12.9.88. This Act makes adequate provisions to deal with cases involving corruption of all public servants including public functionaries, brought within the purview of the Lokpal Bill, 1985, and consequently, the Lokpal Bill, if passed in the present form, will only provide for a pre-trial inquiry into a case which has to be eventually prosecuted under the Prevention of Corruption Act, 1988.

Government by a Resolution, have also set up the Directorate of Public Grievances with jurisdiction over the Departments of Railways, Posts, Telecommnications and Banking, with effect from 1st April, 1988. It is headed by an officer of the level of Secretary to the Government of India. The Directorate has been working for the last six months and has been able to settle about 200 grievances referred to it. However, it is too early to make a full assessment of the work of the Directorate.

5. In the background of these developments, Government have reviewed the position regarding the Lokpal Bill, 1985. Government are of the view that the Prevention of Corruption Act, 1988 makes adequate provisions to deal with cases involving corruption of all public servants including the public functionaries brought within the purview of the Lokpal Bill, 1985. Government are also of the view that any Bill establishing a Lokpal should deal not only with cases involving corruption but also a large number of grievances which arise among citizens on account of out-moded rules and procedures, delay and red tape, inefficiency, etc. Government are, therefore, of the view that it would be desirable to re-examine the entire issue relating to establishment of the Lokpal, his powers and jurisdiction. Government, therefore, propose to withdraw this Bill and come forward with comprehensive Legislation to deal with redress of public grievances.

Sd|-
(P. CHIDAMBARAM)
Minister of State in the Ministry of Personnel, Public Grievances & Pensions.

NEW DELHI;
November 21, 1988.

APPENDIX VI

MINUTES OF THE SITTING OF THE JOINT COMMITTEE ON THE LOKPAL BILL, 1985

I

First Sitting

16-11-1985

The Committee sat on Saturday, the 16th November, 1985 from 14.30 to 15-00 hours in Committee Room No. 53, First Floor, Parliament House, New Delhi.

PRESENT

Shri Brahma Dutt—*Chairman*

MEMBERS

Lok Sabha

2. Shri T. Basheer
3. Shri H. K. L. Bhagat
4. Shri Manoranjan Bhakta
5. Shri P. Chidambaram
6. Shri Mool Chand Daga
7. Prof. Madhu Dandavate
8. Shri Amal Datta
9. Shri Sharad Dighe
10. Shri Eduardo Faleiro
11. Shri Indrajit Gupta
12. Shri Y. S. Mahajan
13. Shri Aziz Qureshi
14. Prof. N. G. Ranga
15. Shri C. Madhav Reddy
16. Shri Zainul Basher

Rajya Sabha

17. Shri Lal K. Advani
18. Shri Hansraj Bhardwaj
19. Shri Darbara Singh
20. Shri Dipen Ghosh
21. Shri Baharul Islam
22. Shri Murasoli Maran
23. Shrimati Pratibha Devisingh Patil
24. Shri N. K. P. Salve
25. Shri P. Shiv Shanker

26. Shri Parvathaneni Upendra

27. Shri Virendra Verma

SECRETARIAT

1. Shri M. K. Mathur—*Joint Secretary.*

2. Shri R. S. Mani—*Senior Legislative Committee Officer.*

REPRESENTATIVES OF THE DEPARTMENT OF PERSONNEL AND TRAINING

1. Shri K. Ramanujam—*Secretary.*

2. Shri D. C. Gupta—*Joint Secretary (Vigil)*

REPRESENTATIVES OF THE MINISTRY OF LAW AND JUSTICE (LEGISLATIVE DEPARTMENT)

1. Shri R. V. S. Peri Sastri—*Secretary, Legislative Department.*

2. Shri B. K. Samaddar—*Assistant Legislative Counsel, Legislative Department.*

2. At the outset, the Chairman welcomed the members of the Joint Committee and referred to the importance and urgency of the task before the Committee.

3. The Committee then considered their future programme of work and decided that a Press Communique be issued, inviting memoranda containing comments|suggestions on the provisions of the Bill by 6th December, 1985 from the State Governments|Union Territory Administrations, Bar Councils|Bar Associations, other Organisations, individuals, etc. interested in the subject matter of the Bill for the consideration of the Committee. They also desired that the contents of the Press Communique be given wide publicity by broadcasting|telecasting through All India Radio|*Doordarshan Kendras.*

4. The Committee also decided that a circular letter might be addressed to all State Governments|Union Territory Administrations and Bar Councils|Bar Associations, requesting them to send their comments|suggestions on the provisions of the Bill by a stipulated date.

5. The Committee further decided that oral evidence of the interested parties might be taken on the provisions of the Bill. The Committee authorised the Chairman to select parties|individuals, etc. for oral evidence after receipt of Memoranda.

6. The Committee further decided that the Department of Personnel and Training, might be requested to tabulate, clause-wise, memoranda/representations containing comments|suggestions which might be submitted to the Committee and the evidence which might be tendered before the Committee together with comments thereon for consideration of the Committee.

7. During the discussion some members suggested that copies of the following documents might be made available to all members of the Committee to enable them to comprehend the various provisions of the Bill in all perspectives:—

(i) Indian Penal Code;

(ii) Prevention of Corruption Act;

(iii) Relevant Acts *re.* Lokpal and Lokayukta of various States, and

(iv) Notices of amendments to the Lokpal Bill, 1985 which were given by members before the Bill was referred to the Joint Committee.

(v) Reports of the Joint Committee on previous Lokpal Bills.

(vi) Reports of Committees and acts of Britain on the subject.

8. The Chairman also requested the members that if they had any suggestions to offer, they could send the same in writing to the chairman.

9. The Committee decided to meet again some time before the end of the current session of Lok Sabha to consider the memoranda|comments which might be received by then and also to consider their future programme of work.

The Committee then adjourned.

II

Second Sitting

18-12-1985

The Committee sat on Wednesday, the 18th December, 1985 from 1530 to 1600 hours in Committee Room No. 62, First Floor, Parliament House, New Delhi.

PRESENT

Shri Brahma Dutt—*Chairman*

MEMBERS

Lok Sabha

2. Shri H. K. L. Bhagat
3. Shri P. Chidambaram
4. Shri Mool Chand Daga
5. Shri Amal Datta
6. Shri Sharad Dighe
7. Shri Eduardo Faleiro
8. Shri Indrajit Gupta
9. Shri Y. S. Mahajan
10. Shri Braja Mohan Mohanty
11. Shri C. D. Patel
12. Shri Aziz Qureshi
13. Prof. N. G. Ranga
14. Shri C. Madhav Reddy
15. Shri G. G. Swell
16. Shri Shyam Lal Yadav
17. Shri Zainul Basher
18. Shri Asoke Kumar Sen

Rajya Sabha

19. Shri Lal K. Advani
20. Shri Anand Sharma
21. Shri Hansraj Bhardwaj
22. Shri Dipen Ghosh
23. Shri Baharul Islam
24. Shrimati Pratibha Devisingh Patil
25. Shri P. Shiv Shanker
26. Shri P. N. Sukul
27. Shri Sultan Singh
28. Shri Parvathaneni Upendra
29. Shri Virendra Verma

SECRETARIAT

1. Shri M. K. Mathur—*Joint Secretary.*
2. Shri R. S. Mani—*Senior Legislative Committee Officer.*

REPRESENTATIVES OF THE DEPARTMENT OF PERSONNEL AND TRAINING

1. Shri K. Ramanujam—*Secretary.*
2. Shri D. C. Gupta—*Joint Secretary (Vigil.)*
3. Shri K. G. Goel—*Deputy Secretary (Vigil.)*

REPRESENTATIVES OF THE MINISTRY OF LAW AND JUSTICE (LEGISLATIVE DEPARTMENT)

1. Shri R. V. S. Peri Sastri—*Secretary, Legislative Department.*
2. Shri B. K. Samaddar—*Assistant Legislative Counsel, Legislative Department.*

2. At the outset, the Chairman informed the Members that as per their decision taken at the sitting held on 16 November, 1985, a Press Communique inviting memoranda containing comments/suggestions on the provisions of the Lokpal Bill, 1985 and requests for oral evidence had been issued. He further apprised the Members that as the contents of Press Communique did not receive wide publicity as anticipated, an advertisement in various newspapers inviting memoranda had also been inserted.

3. The Committee, after some discussion, decided that in view of the requests received from various Associations/Organisations, individuals etc. the last date for receipt of memoranda containing comments/suggestions on the Bill might be extended upto 15 January, 1986.

4. The Committee then decided to hold further discussions with reference to the Bill after some more memoranda had been received and tabulated statements together with comments thereon furnished by the Department of Personnel and Training.

5. The Committee considered their future programme of work. The suggestion to divide the Joint Committee into 2-3 Groups for the purpose of Study visits to various States where the institution of Lokayukta existed was not agreed to. It was decided that the Committee, as a whole, should undertake tours in two spells. One tour was to be undertaken from the middle of January and the other after the Republic Day. The other details of the tours and the places to be visited were left to be decided by the Chairman. The suggestion of some members that the Committee may also hold formal sittings during the tour, if necessary, to take evidence since the Committee as a whole was undertaking the tours was also accepted. It was also decided that the Committee might hold discussions with the Lokayuktas, Chief Ministers, Leaders of the Opposition, Bar Councils/Associations etc. at the various State Capitals in order to have their views on the working of the institution of Lokayukta in their States.

The Committee then adjourned.

III

Third Sitting

21-1-1986

The Committee sat on Tuesday, the 21st January, 1986 from 15.00 to 15.50 hours in Committee Room No. 62, First Floor, Parliament House, New Delhi.

PRESENT

Shri Brahma Dutt—*Chairman*

MEMBERS

Lok Sabha

2. Shri T. Basheer
3. Shri H. K. L. Bhagat
4. Shri Manoranjan Bhakta
5. Shri P. Chidambaram
6. Shri Mool Chand Daga
7. Shri Amal Datta
8. Shri Sharad Dighe
9. Shri Eduardo Faleiro
10. Prof. M. R. Halder
11. Shri P. Kolandaivelu
12. Shri C. D. Patel
13. Shri Aziz Qureshi
14. Prof. N. G. Ranga
15. Shri C. Madhav Reddy
16. Shri G. G. Swell
17. Shri K. P. Unnikrishnan
18. Shri Shyam Lal Yadav
19. Shri Zainul Basher

Rajya Sabha

20. Shri Lal K. Advani
21. Shri Anand Sharma
22. Shri Hansraj Bhardwaj
23. Shri Darbara Singh
24. Shri Dipen Ghosh
25. Shri N. K. P. Salve
26. Shri P. N. Sukul
27. Shri Sultan Singh
28. Shri Parivathaneni Upendra
29. Shri Virendra Verma

SECRETARIAT

1. Shri M. K. Mathur—*Joint Secretary.*
2. Shri R. S. Mani—*Senior Legislative Committee Officer.*

REPRESENTATIVES OF THE DEPARTMENT OF PERSONNEL AND TRAINING

1. Shri K. Ramanujam—*Secretary*
2. Shri D. C. Gupta—*Joint Secretary (Vigil.)*

REPRESENTATIVES OF THE MINISTRY OF LAW AND JUSTICE (LEGISLATIVE DEPARTMENT)

1. Shri S. Ramaiah—*Secretary, Legislative Department.*
2. Shri B. K. Samaddar—*Assistant Legislative Counsel, Legislative Department.*

2. At the outset, the Chairman informed the Committee that in pursuance of the decision taken by them at their last sitting, the Speaker, Lok Sabha, was requested to accord permission to the Committee as a whole to visit those places where the institution of Lok Ayukta existed. The Speaker, Lok Sabha, however did not accord permission to the Committee to tour as a whole in one Group as that would not be manageable. The Speaker had, however, agreed to the visit of the Committee in three Groups. It was, therefore, decided to divide the Committee in three Study Groups as follows:

Study Group I to visit Lucknow, Patna, Calcutta and Bhubaneshwar from 29th January to 3rd February, 1986;

Study Group II to visit Jaipur, Bombay and Bhopal from 29th January to 3rd February, 1986; and

Study Group III to visit Trivandrum, Bangalore and Hyderabad from 3rd February to 8th February, 1986.

3. The Committee were then informed of the preferences already received from members for joining the various Study Tour Groups. The Chairman requested the members of the Committee who had so far not given their preferences for the Study Groups to do so immediately to enable him to finalise the Composition of the various Groups.

4. The Chairman, then informed the Committee that as per decisions taken by them at their earlier sittings, certain documents (Appendix) had already been circulated to the Committee.

5. Some members then raised the point that the Department of Personnel and Training while furnishing comments on various suggestions contained in Memo. Nos. 1 to 17 had also given the final verdict on those suggestions. The Committee were informed that it was in consonance with the practice which had been followed in cases of other Select/Joint Committees on Bills and also in pursuance of the decision taken by the Committee at their sitting held on the 16th November, 1985. However, whatever was said by that Department was only its opinion which was given with a view to facilitate the Committee to arrive at the final decisions. It was for the Committee to take a final decision on the matters

referred to in the Memoranda after considering the views of the Government thereon.

6. The Committee then decided that the various suggestions contained in the Memo. received so far and the comments thereon might be tablulated clause-wise and the same might be considered when the Committee would take up clause-by-clause consideration of the Bill after hearing oral evidence, if considered necessary, on the provisions of the Bill.

7. The Chairman informed the Committee that the Study Groups would be meeting the Chief Ministers, Lok Ayuktas, Upa Lok Ayuktas, Leaders of Oppositions and representatives of the Bar Councils/Bar Associations of the respective Zones to hold informal discussions on the provisions of the Lokpal Bill, 1985. The brief resume' of the discussions held by each Group would be made available to the whole Committee.

The Committee then adjourned.

APPENDIX

LIST OF DOCUMENTS CIRCULATED

(*See* para 4 of Minutes)

(i) The Lokpal Bill, 1985—as introduced in Lok Sabha;

(ii) Background note on Lokpal Bill, 1985;

(iii) Interim Report on the "Problems of Redress of Citizen's Grievances" by the Administrative Reforms Commission submitted in 1966;

(iv) Commissions of Inquiry Act, 1952;

(v) The Prevention of Corruption Act, 1947;

(vi) The Indian Penal Code (Chapter IX);

(vii) Lok Ayukta Acts in the States of U.P., Rajasthan, Madhya Pradesh, Karnataka, Bihar, Andhra Pradesh, Kerala, Maharashtra and Himachal Pradesh;

(viii) A statement showing salient features of the institution of Lok Ayukta in various States;

(ix) A note on the Lokpal Bill, 1985, prepared by Lok Sabha Secretariat;

(x) Memoranda Nos. 1 to 24 received from various Associations, Organisations and individuals etc.;

(xi) Notices of amendments tabled by members before the Bill was referred to the Joint Committee; and

(xii) Comments furnished by the Department of Personnel and Training on the suggestions made in Memoranda Nos. 1 to 17.

IV

Fourth Sitting

10-3-1986

The Committee sat on Monday, the 10th March, 1986 from 16.00 to 16.30 hours in Committee Room No. 62, First Floor, Parliament House, New Delhi.

PRESENT

Shri Brahma Dutt—*Chairman*

MEMBERS

Lok Sabha

2. Shri T. Basheer
3. Shri H. K. L. Bhagat
4. Shri P. Chidambaram
5. Shri Amal Datta
6. Shri Sharad Dighe
7. Shri Y. S. Mahajan
8. Shri Priya Ranjan Das Munsi
9. Shri C. D. Patel
10. Shri C. Madhav Reddy
11. Shri S. Jaipal Reddy
12. Shri G. G. Swell
13. Prof. K. K. Tewari
14. Shri K. P. Unnikrishnan

Rajya Sabha

15. Shri Lal K. Advani
16. Shri Murasoli Maran
17. Shri P. Shiv Shanker
18. Shri Virendra Verma

SECRETARIAT

1. Shri M. K. Mathur—*Joint Secretary*
2. Shri R. S. Mani—*Senior Legislative Committee Officer.*

REPRESENTATIVES OF THE DEPARTMENT OF PERSONNEL AND TRAINING

1. Shri K. Ramanujam—*Secretary*
2. Shri K. G. Goel—*Deputy Secretary (Vigil.)*

REPRESENTATIVES OF THE MINISTRY OF LAW AND JUSTICE
(LEGISLATIVE DEPARTMENT)

1. Shri S. Ramaiah—*Secretary, Legislative Department.*
2. Shri B. K. Samaddar—*Assistant Legislative Counsel, Legislative Department.*

2. At the outset, the Chairman welcomed Shri S. Jaipal Reddy, a new member who was appointed to the Joint Committee *w.e.f.* 26 February, 1986, *vice* Prof. Madhu Dandavate resigned.

3. The Chairman then informed the members about the study tours undertaken by three study groups of the Committee in order to acquaint themselves with the working of the institution of Lokayukta and ascertain the views of Chief Ministers, Lokayuktas, Leaders of Opposition and representatives of Bar Councils/Associations etc. in the country.

The Chairman further informed that copies of the memoranda on the Bill received so far; tour notes relating to the study tours undertaken by the study groups of the Committee and other information/documents relating to the Bill received from the Department of Personnel and Training, have been circulated to them for their information and use.

4. The Committee noted that in accordance with the motion adopted in the House, the Committee had to present their Report by 15 March, 1986. The members were informed that considerable time would be required for completion of the remaining stages *i.e.* consideration of memoranda, taking of official evidence and clause-by-clause consideration of the Bill. Under the circumstances, it was felt that it would not be possible for the Committee to present the Report by the stipulated date. The Committee, therefore, decided to seek extension of time for presentation of their report upto the last day of the second week of the Monsoon Session, 1986.

The Committee, then authorised the Chairman and in his absence, Shri C. Madhav Reddy, a member of the Committee, to move the necessary motion in Lok Sabha on Wednesday, 12 March, 1986.

5. The Committee decided to meet again after a week or ten days of the adjournment of the current Budget Session of Lok Sabha.

The Committee then adjourned.

Fifth Sitting

22-7-1986

The Committee sat on Tuesday, the 22nd July, 1986 from 15.00 to 15.40 hours in Committee Room No. 62, First Floor, Parliament House, New Delhi.

PRESENT

Prof. N. G. Ranga—*in the Chair*

MEMBERS

Lok Sabha

2. Shri T. Basheer
3. Shri H. K. L. Bhagat
4. Shri Manoranjan Bhakta
5. Shri Mool Chand Daga
6. Shri K. P. Singh Deo
7. Shri Sharad Dighe
8. Shri Indrajit Gupta
9. Shri Priya Ranjan Das Munsi
10. Shri D. K. Naikar
11. Shri C. D. Patel
12. Shri Aziz Qureshi
13. Shri G. G. Swell
14. Shri Zainul Basher
15. Shri Asoke Kumar Sen

Rajya Sabha

16. Shri Hansraj Bhardwaj
17. Shri Darbara Singh
18. Shri Baharul Islam
19. Shri P. N. Sukul

SECRETARIAT

1. Shri M. K. Mathur—*Joint Secretary*
2. Shri R. S. Mani—*Senior Legislative Committee Officer*

REPRESENTATIVES OF THE DEPARTMENT OF PERSONNEL AND TRAINING

1. Shri Babu Jacob—*Joint Secretary (Vigil.)*
2. Shri T. N. Mannen—*Deputy Secretary (Vigil)*

REPRESENTATIVES OF THE MINISTRY OF LAW AND JUSTICE (LEGISLATIVE DEPARTMENT)

Shri B. K. Samaddar—*Assistant Legislative Counsel, Legislative Department.*

2, In the absence of the Chairman, the Committee choose Prof. N. G. Ranga, to act as Chairman of the sitting in terms of rule 258(3) of the Rules of Procedure and Conduct of Business in Lok Sabha.

3. The Committee then mourned the death of Shri B. V. Desai, M.P., a member of the Committee and passed the following condolence resolution:—

> "The Committee place on record their profound sense of sorrow over the sudden demise of their most esteemed colleague Shri B. V. Desai, M.P. on 4 May, 1986 and send their heart felt condolences to the members of the bereaved family."

Thereafter, the members stood in silence for a short while as a mark of respect to the deceased.

4. The Committee noted that in pursuance of a motion adopted by the House on the 12th March, 1986, they were granted an extension for presentation of their report to the House by the last day of the second week of the Monsoon Session, 1986. As such, their term would be expiring on the 25th July, 1986.

5. The members were informed that considerable time would be required for completion of the remaining stages *i.e.* consideration of memoranda, taking of evidence and clause-by-clause consideration of the Bill etc. The Committee felt that under the circumstances, it would not be possible for them to present their report by the stipulated date. The Committee, therefore, decided to seek extension of time for presentation of their report up to the last day of the last week of the Winter Session, 1986.

The Committee then authorised Prof. N. G. Ranga and, in his absence, Shri Zainul Basher, members of the Committee, to move the necessary motion in Lok Sabha on Wednesday, the 23rd July, 1986.

6. The Committee were also informed that five vacancies—four from Lok Sabha and one from Rajya Sabha had occurred in the Committee. One vacancy of Lok Sabha had occurred due to the death of Shri B. V. Desai and three vacancies had been caused by the resignation of Sarvashri Brahma Dutt, Eduardo Faleiro and Prof. K. K. Tewari, M.Ps. The vacancy of Rajya Sabha had resulted by retirement of Shri R. Mohanarangam from that House.

The Committee then authorised Prof. N. G. Ranga and, in his absence, Shri Zainul Basher, members of the Committee, to move necessary motion in the House for filling the vacancies of members of Lok Sabha on 23rd July, 1986.

The Committee also decided that motion for appointment of a member of Rajya Sabha in the said vacancy might be moved later.

The Committee then adjourned.

VI

Sixth Sitting

13-8-1986

The Committee sat on Wednesday, the 13th August, 1986 from 15.00 to 15.30 hours in Committee Room No. 62, First Floor, Parliament House, New Delhi.

PRESENT

Shri Somnath Rath—*Chairman*

MEMBERS

Lok Sabha

2. Shrimati Basavarajeshwari
3. Shri T. Basheer
4. Shri H. K. L. Bhagat
5. Shri P. Chidambaram
6. Shri Mool Chand Daga
7. Shri K. P. Singh Deo
8. Shri Sharad Dighe
9. Shri Indrajit Gupta
10. Prof. M. R. Halder
11. Shri Braja Mohan Mohanty
12. Shri Ram Swarup Ram
13. Prof. N. G. Ranga
14. Shri S. Jaipal Reddy
15. Shri Ebrahim Sulaiman Sait

Rajya Sabha

16. Shri Lal K. Advani
17. Shri Darbara Singh
18. Shri Dipen Ghosh
19. Shri Baharul Islam
20. Shrimati Pratibha Devisingh Patil
21. Shri Parvathaneni Upendra

SECRETARIAT

1. Shri M. K. Mathur—*Joint Secretary*
2. Shri R. S. Mani—*Senior Legislative Committee Officer*

REPRESENTATIVES OF THE DEPARTMENT OF PERSONNEL AND TRAINING

1. Shri Babu Jacob—*Joint Secretary (Vigil.)*
2. Shri T. N. Mannen—*Deputy Secretary (Vigil.)*

REPRESENTATIVE OF THE MINISTRY OF LAW AND JUSTICE (LEGISLATIVE DEPARTMENT)

Shri B. K. Samaddar—*Deputy Legislative Counsel, Legislative Department.*

2. At the outset, Committee welcomed the Chairman and new members of the Committee.

3. The Chairman then outlined the progress of work made by the Committee so far.

4. It was recalled that the Committee at their sitting held on the 10th March, 1986 had indicated that they would like to take evidence of persons, experts and bodies etc., on the provisions of the Lokpal Bill, 1985. Accordingly, the Department of Personnel and Training and Ministry of Law were requested to furnish the names and addresses of persons, experts and bodies whose evidence might be useful to the Committee The Department of Personnel had sent in their suggestions.

5. The Chairman then informed the Committee that, as authorised by them at their sitting held on the 16th November, 1985, he had selected at present the following for calling for evidence before them:—

(1) Bar Council of India;

(2) Central Vigilance Commissioner; and

(3) The Indian Institute of Public Administration, New Delhi.

6. The Committee while approving the names of aforesaid for evidence, felt that it would be useful to the Committee if they could hold informal discussions on the provisions of the Lokpal Bill, 1985, with the Chief Ministers, Leaders of Opposition, representatives of Bar Councils/Associations and Vigilance Commissioners of some more States where such discussions had not so far taken place. The Committee had not visited States in the North and North-East. The Committee, therefore, decided to divide themselves in three Study Groups and to visit the following places during the months of September-October, 1986 for the purpose:—

(1) Imphal, Kohima and Agartala;

(2) Guwahati, Shillong, Gangtok and Siliguri; and

(3) Srinagar, Chandigarh and Shimla.

7. The Committee then authorised the Chairman to seek Speaker's permission in the matter and thereafter finalised the programme.

8. The Committee also authorised the Chairman to finalise the composition of each group on the basis of members' preferences.

The Committee then adjourned.

VII

Seventh Sitting

2-12-1986

The Committee sat on Tuesday, the 2nd December, 1986 from 15.00 to 15.30 hours in Committee Room No. 50, First Floor, Parliament House, New Delhi.

PRESENT

Shri Somnath Rath—*Chairman*

MEMBERS

Lok Sabha

2. Shrimati Basavarajeswari
3. Shri H. K. L. Bhagat
4. Shri P. Chidambaram
5. Shri Sharad Dighe
6. Prof. M. R. Halder
7. Shri Braja Mohan Mohanty
8. Shri C. Madhav Reddy
9. Shri Shyam Lal Yadav
10. Shri Zainul Basher

Rajya Sabha

11. Shri Lal K. Advani
12. Shri Dipen Ghosh
13. Shri Baharul Islam
14. Shri Bir Bhadra Pratap Singh
15. Shri Virendra Verma

SECRETARIAT

Shri R. S. Mani—*Senior Legislative Committee Officer.*

REPRESENTATIVES OF THE DEPARTMENT OF PERSONNEL AND TRAINING

1. Shri Babu Jacob—*Joint Secretary (Vigil.)*
2. Shri T. N. Mannen—*Deputy Secretary (Vigil.)*

REPRESENTATIVE OF THE MINISTRY OF LAW AND JUSTICE (LEGISLATIVE DEPARTMENT)

Shri B. K. Samaddar—*Deputy Legislative Counsel, Legislative Department.*

2. At the outset, the Chairman apprised the Committee with the progress of work made so far.

3. The Chairman informed the Committee that as per the extension granted by the House, they were required to present their report by the last day of the Winter Session, 1986. As such, their term would be expiring on the 9th December, 1986.

The members were informed that considerable time would now be required for completion of the remaining stages *i.e.* consideration of memoranda, taking of evidence and clause-by-clause consideration of the Bill etc. The Committee felt that under the circumstances, it would not be possible for them to present their report by the stipulated date. The Committee, therefore, decided to seek further extension of time for presentation of their report up to the last day of the Budget Session, 1987.

The Committee then authorised the Chairman and in his absence, Shri C. Madhav Reddy, a member of the Committee, to move the necessary motion in the House on Thursday, the 4th December, 1986.

4. The Chairman then informed the Committee that the members of Study Group II of the Joint Committee during their visit to Chandigarh on 29th September, 1986 had postponed the informal discussions with the Chief Minister of Haryana as desired by him to a later date. They also postponed the informal discussions which were to be held with the State Vigilance Commissioner of Haryana and members of Opposition Parties/Groups in Haryana Vidhan Sabha. The Chief Minister while requesting for the postponement had also requested that another date for the said discussions might be indicated to him. After consideration of the matter, the Committee decided to hold the said discussions on or around the 23rd December, 1986. Some members also suggested that it would be more convenient to them if the proposed meeting could be held at a place nearer to Delhi say at Suraj Kund (Haryana) or any other place other than Chandigarh.

5. Some members are suggested that with a view to complete the round of discussions on the provisions of the Bill, the Committee should also meet the Chief Ministers, State Vigilance Commissioners, members of Opposition and the representatives of the Bar Council/Associations of Tamil Nadu, Goa and Pondicherry. They also felt that similar discussions should also be held with Administrator and others in Andaman and Nicobar Islands. The Committee, therefore, decided to visit Madras, Pondicherry, Andaman and Nicobar Islands and Goa after 5th January, 1987.

6. The Committee then authorised the Chairman to seek Speaker's permission in the matter and thereafter finalise the programme.

7. Judging from the past experience when very few members of the Committee had participated in the tours of Study Groups, it was decided that the Committee as a whole might visit the aforesaid places and that splitting them into Study Groups for the purpose of tours should not be resorted to this time.

The Committee then adjourned.

VIII

Eighth Sitting

28-4-1987

The Committee sat on Tuesday, the 28th April, 1987 from 15.00 to 15.30 hours in Committee Room No. 62, First Floor, Parliament House, New Delhi.

PRESENT

Shri Somnath Rath—*Chairman*

MEMBERS

Lok Sabha

2. Shri H. K. L. Bhagat
3. Shri P. Chidambaram
4. Shri Sharad Dighe
5. Shri Indrajit Gupta
6. Shri D. K. Naikar
7. Shri Aziz Qureshi
8. Shri Ram Singh Yadav
9. Shri Shyam Lal Yadav
10. Shri Zainul Basher

Rajya Sabha

11. Shri Lal K. Advani
12. Shri Anand Sharma
13. Shri Baharul Islam
14. Shri P. N. Sukul
15. Shri Virendra Verma

SECRETARIAT

1. Shri N. N. Mehra—*Joint Secretary*
2. Shri R. S. Mani—*Senior Legislative Committee Officer*

REPRESENTATIVES OF THE DEPARTMENT OF PERSONNEL AND TRAINING

1. Shri Babu Jacob—*Joint Secretary (Vigil.)*
2. Shri G. Sitaraman—*Under Secretary.*

REPRESENTATIVE OF THE MINISTRY OF LAW AND JUSTICE (LEGISLATIVE DEPARTMENT)

Dr. D. K. Jain—*Joint Secretary and Legislative Counsel.*

2. At the outset, the Committee mourned the death of Shri Mool Chand Daga, M.P., a member of the Committee and passed the following condolence resolution:—

"The Committee place on record their profound sense of sorrow over the sudden demise of their most esteemed colleague Shri

Mool Chand Daga, M.P. on 10th March, 1987 and send their heart felt condolences to the members of the bereaved family."

Thereafter, the members stood in silence for a short while as a mark of respect to the deceased.

3. The Committee then welcomed Shri Ram Singh Yadav, M.P., a new member of the Committee.

. The Committee noted that in pursuance of a motion adopted by the House on the 4th December, 1986, they were granted an extension for presentation of their report to the House by the last day of the Budget Session, 1987. As such, their term would be expiring on the 8th May, 1987.

5. The members were informed that considerable time would be required for completion of the remaining stages *i.e.* consideration of memoranda, taking of evidence and clause-by-clause consideration of the Bill etc. The Committee felt that under the circumstances, it would not be possible for them to present their report by the stipulated date. The Committee, therefore, decided to seek extension of time for presentation of their report up to the last day of the Monsoon Session, 1987.

The Committee authorised the Chairman and in his absence, Shri Indrajit Gupta, a member of the Committee to move the necessary motion in Lok Sabha.

6. The Committee then recalled that on the requests of the State Government of Gujarat and Union Territory Administrations of Goa, Daman & Diu and Andaman & Nicobar Islands, the Committee had to postpone their visits to Gandhi Nagar, Panaji and Port Blair which were scheduled to take place during January-February, 1987. After some consideration, Committee decided to visit Panaji from 22nd to 25th May and Port Blair-Madras from 7th to 11th June, 1987. It was also decided to visit Gandhi Nagar during the 1st week of July, 1987. The Committee authorised the Chairman to finalise the programme of these visits.

The Committee were informed that the Chief Minister of Haryana on whose request the discussions with him as well as with the Vigilance Commissioner of Haryana were postponed had again requested to postpone the same till the elections to that Assembly were over.

The Committee then adjourned.

IX

Ninth Sitting

29-6-1987

The Committee sat on Monday, the 29th June, 1987 from 15.00 to 17.10 hours in Committee Room 'C', Parliament House Annexe, New Delhi.

PRESENT

Shri Somnath Rath—*Chairman*

MEMBERS

Lok Sabha

2. Shrimati Basavarajeswari
3. Shri Manoranjan Bhakta
4. Shri Sharad Dighe
5. Shri Indrajit Gupta
6. Shri R. S. Khirhar
7. Shri P. Kolandaivelu
8. Shri Y. S. Mahajan
9. Shri Braja Mohan Mohanty
10. Shri D. K. Naikar
11. Shri C. D. Patel
12. Shri Aziz Qureshi
13. Shri Ram Swarup Ram
14. Prof. N. G. Ranga
15. Shri C. Madhav Reddy
16. Shri Ajit Kumar Saha
17. Shri Shyam Lal Yadav
18. Shri Zainul Basher

Rajya Sabha

19. Shri Lal K. Advani
20. Shri Aladi Aruna *alias* V. Arunachalam
21. Shri Anand Sharma
22. Shri Hansraj Bhardwaj
23. Shri Darbara Singh
24. Shri Dipen Ghosh
25. Shri Baharul Islam
26. Shri Bir Bhadra Pratap Singh
27. Shri P. N. Sukul
28. Shri Parvathaneni Upendra
29. Shri Raoof Valiullah
30. Shri Virendra Verma

SECRETARIAT

1. Shri K. C. Rastogi—*Joint Secretary*
2. Shri G. S. Bhasin—*Chief Legislative Committee Officer.*
3. Shri R. S. Mani—*Senior Legislative Committee Officer.*
4. Shri S. P. Gaind—*Senior Legislative Committee Officer.*

REPRESENTATIVE OF THE DEPARTMENT OF PERSONNEL AND TRAINING

Smt. K. N. Kochukarthayani—*Director (Vigil.)*

REPRESENTATIVES OF THE MINISTRY OF LAW AND JUSTICE (LEGISLATIVE DEPARTMENT)

1. Shri S. Ramaiah—*Secretary*
2. Shri B. K. Samaddar—*Deputy Legislative Counsel.*
3. Dr. D. K. Jain—*Joint Secretary and Legislative Counsel*

2. At the outset, the Chairman informed the Committee that the visit of the Committee to Gandhi Nagar and Ahmedabad from 28th June to 2nd July, 1987 had to be postponed on the request of the Government of Gujarat. It was suggested that the visit might now be arranged sometime during the last week of July, 1987. After considering the matter, the Committee felt that in view of the ensuing Monsoon Session of Lok Sabha, it would not be possible for them to visit Gandhi Nagar-Ahmedabad during the last week of July, 1987. The Committee decided that subject to the extension being granted by the House, the proposed visit might be arranged sometime during the next inter-session period. The Committee authorised the Chairman to finalise the programme.

3. It was recalled that the names of following had been approved by the Committee for inviting them to give evidence before them:—

1. Bar Council of India;
2. Central Vigilance Commissioner; and
3. Indian Institute of Public Administration, New Delhi.

Out of them, the Central Vigilance Commissioner (Shri U. C. Agarwal) had been invited to appear before the Committee that day to give evidence on the various provisions of the Bill.

4. The Committee accordingly proceeded to take oral evidence of the Central Vigilance Commissioner, Government of India, New Delhi.

While welcoming Shri Agarwal, the Chairman drew his attention to direction 58 of the Directions by the Speaker.

A verbatim record of the evidence was kept.

5. The Committee then adjourned to meet again on Wednesday, the 15th July, 1987 at 15.00 hours to take oral evidence of the representatives of the Bar Council of India, New Delhi.

X

Tenth Sitting

15-7-1987

The Committee sat on Wednesday, the 15th July, 1987 from 15.00 to 17.15 hours in Committee Room 'B', Parliament House Annexe, New Delhi.

PRESENT

Shri Somnath Rath—*Chairman*

MEMBERS

Lok Sabha

2. Shri T. Basheer
3. Shri H. K. L. Bhagat
4. Shri Sharad Dighe
5. Shri Indrajit Gupta
6. Shri Y. S. Mahajan
7. Shri Braja Mohan Mohanty
8. Shri D. K. Naikar
9. Shri Aziz Qureshi
10. Shri Ram Swarup Ram
11. Prof. N. G. Ranga
12. Shri C. Madhav Reddy
13. Shri S. Jaipal Reddy
14. Shri Ajit Kumar Saha
15. Shri Ebrahim Sulaiman Sait
16. Shri G. G. Swell
17. Shri K. P. Unnikrishnan
18. Shri Ram Singh Yadav
19. Shri Shyam Lal Yadav

Rajya Sabha

20. Shri Anand Sharma
21. Shri Darbara Singh
22. Shri Baharul Islam
23. Shri Murasoli Maran
24. Shri Bir Bhadra Pratap Singh
25. Shri P. N. Sukul
26. Shri Parvathaneni Upendra
27. Shri Raoof Valiullah
28. Shri Virendra Verma

SECRETARIAT

1. Shri K. C. Rastogi—*Joint Secretary*
2. Shri G. S. Bhasin—*Chief Legislative Committee Officer.*
3. Shri S. P. Gaind—*Senior Legislative Committee Officer.*

REPRESENTATIVES OF THE DEPARTMENT OF PERSONNEL AND TRAINING

1. Shrimati B. Sen—*Joint Secretary (Vigil.)*
2. Shri G. Sitaraman—*Under Secretary (Vigil.)*

REPRESENTATIVE OF THE MINISTRY OF LAW AND JUSTICE (LEGISLATIVE DEPARTMENT)

Shri B. K. Samaddar—*Deputy Legislative Counsel.*

2. At the outset, the Chairman informed the Committee that the representatives of the Bar Council of India who were invited to appear before the Committee on that day had expressed their inability to do so and had suggested that subject to the convenience of the Committee, they might be heard on the 24th July, 1987. In view of that, the other party already selected for evidence *i.e.* The Indian Institute of Public Administration, New Delhi, was requested to appear before the Committee on that day. The Institute had agreed to depute its representatives to appear before the Committee. Accordingly, Prof. K. S. Shukla and Dr. S. S. Singh of the said Institute would be appearing before the Committee that day to give evidence on the various provisions of the Bill.

3. The Committee accordingly proceeded to take oral evidence of the aforesaid persons.

While welcoming the witnesses, the Chairman drew their attention to direction 58 of the Directions by the Speaker.

A verbatim record of the evidence was kept.

The witnesses then withdrew.

4. The Committee considered their future programme of work. The Committee noted that as per latest extension granted to the Committee by the House, they were required to present their report by the last day of the Monsoon Session, 1987. As such their term would be expiring on the 28th August, 1987, *i.e.* the last day of Part II of the Eighth Session. The Committee, however, felt that as considerable time would be required for completion of the remaining stages of the Bill, *i.e.* taking of evidence of remaining parties, general discussion on the Bill in the light of Memoranda received, informal discussions held and evidence tendered before them and clause-by-clause consideration of the Bill, it would not be possible for them to present their report to the House by the stipulated date. The Committee, therefore, decided to seek further extension of time upto the last day of the Winter Session, 1987.

The Committee, authorised the Chairman and in his absence Shri S. Jaipal Reddy, a member of the Committee to move the necessary motion in the House.

The Committee then adjourned.

N.B. The witnesses also submitted a written memorandum containing their suggestions etc. on the Bill which was, with the approval of the Chairman, circulated to members at the sitting.

XI

Eleventh Sitting

10-9-1987

The Committee sat on Thursday, the 10th September, 1987 from 16.00 to 17.30 hours in Committee Room 'C', Parliament House Annexe, New Delhi.

PRESENT

Shri Somnath Rath—*Chairman*

MEMBERS

Lok Sabha

2. Shri K. P. Singh Deo
3. Shri Sharad Dighe
4. Shri R. S. Khirhar
5. Shri Braja Mohan Mohanty
6. Shri C. D. Patel
7. Shri Ram Swarup Ram
8. Prof. N. G. Ranga
9. Shri C. Madhav Reddy
10. Shri S. Jaipal Reddy
11. Shri Ebrahim Sulaiman Sait
12. Shri G. G. Swell
13. Shri Ram Singh Yadav
14. Shri Shyam Lal Yadav

Rajya Sabha

15. Shri Lal K. Advani
16. Shri Anand Sharma
17. Shri Darbara Singh
18. Shri Baharul Islam
19. Shri Bir Bhadra Pratap Singh
20. Shri Raoof Valiullah
21. Shri Virendra Verma

SECRETARIAT

1. Shri G. S. Bhasin—*Chief Legislative Committee Officer.*
2. Shri S. P. Gaind—*Senior Legislative Committee Officer.*

REPRESENTATIVE OF THE DEPARTMENT OF PERSONNEL AND TRAINING

Shrimati C. R. Chhibber—*Deputy Secretary (V).*

REPRESENTATIVES OF THE MINISTRY OF LAW AND JUSTICE (LEGISLATIVE DEPARTMENT)

Shri S. Ramaiah—*Secretary*

Shri B. K. Samaddar—*Deputy Legislative Counsel.*

2. At the outset the Chairman informed the Committee that the representatives of the Bar Council of India would be appearing before the Committee that day for giving evidence on the various provisions of the Lokpal Bill, 1985. Some members suggested that Dr. L. M. Singhvi who introduced the idea of the institution of, Ombudsman in the country should also be invited to give evidence before the Committee. After some discussions Committee decided to take evidence of Dr. L. M. Singhvi at a subsequent sitting.

Some members also suggested that the Committee might visit some of those countries where the institution of Ombudsman was working and particularly the country of its origin. After some discussion, the Chairman observed that the matter might be considered later.

3. Some members also suggested that with a view to complete the round of informal discussions, the Committee might visit Itanagar (Arunachal Pradesh) and Aizawl (Mizoram) during the current inter-session period. Agreeing with the suggestion, Committee authorised the Chairman to seek Speaker's permission in the matter and to finalise the programme of visit to those places during the current inter-session period. The Committee also decided that instead of whole Committee visiting those places, two Study Groups might be appointed—one might visit Itanagar and the other might visit Aizawl. The Committee authorised the Chairman to finalise the composition of each group on the basis of preferences indicated by the members.

4. The Committee then proceeded to take oral evidence of the following representatives of the Bar Council of India:—

1. Shri V. R. Reddy—Chairman
2. Shri Chaman Lal Sachdeva—Vice-Chairman
3. Shri O. P. Sharma—Coopted D. C. member

While welcoming the witnesses, the Chairman drew their attention to the provisions of the directions 55(1) and 58 of the Directions by the Speaker.

A verbatim record of the evidence was kept.

The witness then withdrew.

The Committee then adjourned.

Twelfth Sitting

18-11-1987

The Committee sat on Wednesday, the 18th November, 1987 from 15.00 to 15.30 hours in Committee Room No. 62, First Floor, Parliament House, New Delhi.

PRESENT

Shri Somnath Rath—*Chairman*

MEMBERS

Lok Sabha

2. Shrimati Basawarajeswari
3. Shri T. Basheer
4. Shri H. K. L. Bhagat
5. Shri P. Chidambram
6. Shri Sharad Dighe
7. Shri Y. S. Mahajan

Rajya Sabha

8. Shri Lal K. Advani
9. Shri P. N. Sukul
10. Shri Parvathaneni Upendra
11. Shri Virendra Verma

SECRETARIAT

Shri G. S. Bhasin—*Chief Legislative Committee Officer*

REPRESENTATIVE OF THE DEPARTMENT OF PERSONNEL AND TRAINING

Shrimati B. Sen, *Joint Secretary (Vigil.)*

REPRESENTATIVE OF THE MINISTRY OF LAW AND JUSTICE (LEGISLATIVE DEPARTMENT)

Shri B. K. Samaddar—*Deputy Legislative Counsel.*

2. The Committee considered their future programme of work. Several Members suggested that the Committee might visit some foreign countries, particularly those where the idea of the institution of Ombudsman had originated with a view to study the actual working of the system.

3. The Committee decided to visit Haryana sometime during the fourth week of December, 1987 for informal discussions with the Chief Minister and Leaders/Members of Opposition etc.

4. The Committee also decided that the visit of the Committee to Gujarat might be arranged in January, 1988 after ascertaining the convenience of the Government of Gujarat in the context of the serious drought conditions prevailing in the State.

5. The Committee further decided that as agreed to at their sitting held on 10th September, 1987, the evidence of Dr. L. M. Singhvi and others may be recorded in the sittings to be held in the ensuing inter-session period.

6. The members were informed that considerable time would be required for completion of the remaining stages, *i.e.* consideration of memoranda, taking of evidence and clause-by-clause consideration of the Bill etc. The Committee felt that under the circumstances, it would not be possible for them to present their report by the stipulated date. The Committee, therefore, decided to seek extension of time for presentation of their report up to the last day of the Budget Session, 1988. The Committee authorised the Chairman to take further necessary action in the matter.

The Committee then adjourned.

XIII

Thirteen Sitting

12-1-1988

The Committee sat on Tuesday, the 12th January, 1988 from 16.15 to 18.15 hours in Committee Room 'D', Ground Floor, Parliament House Annexe, New Delhi.

PRESENT

Shri Somnath Rath—*Chairman*

MEMBERS

Lok Sabha

2. Shri H. K. L. Bhagat
3. Shri Indrajit Gupta
4. Shri P. Kolandaivelu
5. Shri Braja Mohan Mohanty
6. Shri D. K. Naikar
7. Shri Aziz Qureshi
8. Shri Ram Swarup Ram
9. Prof. N. G. Ranga
10. Shri C. Madhav Reddy
11. Shri S. Jaipal Reddy
12. Shri Shyam Lal Yadav

Rajya Sabha

13. Shri Lal K. Advani
14. Shri Anand Sharma
15. Shri Baharul Islam
16. Shri Bir Bhadra Pratap Singh
17. Shri P. N. Sukul
18. Shri Parvathaneni Upendra
19. Shri Raoof Valiullah
20. Shri Virendra Verma

SECRETARIAT

Shri G. S. Bhasin—*Chief Legislative Committee Officer*

REPRESENTATIVE OF THE DEPARTMENT OF PERSONNEL AND TRAINING

Shrimati C. R. Chhiber—*Deputy Secretary (V)*

REPRESENTATIVES OF THE MINISTRY OF LAW AND JUSTICE
(LEGISLATIVE DEPARTMENT)

Dr. D. K. Jain—*Joint Secretary and Legislative Counsel*
(O.L. Wing)

Shri B. K. Samaddar—*Deputy Legislative Counsel.*

2. The Committee took the evidence of Dr. L. M. Singhvi, on the provisions of Lokpal Bill, 1985.

3. Before the Committee proceeded to take evidence, the Chairman, while welcoming the witness, drew his attention to the provisions contained in Direction 58 of the Directions by the Speaker under the Rules of Procedure and Conduct of Business in Lok Sabha.

4. A verbatim record of the evidence was kept.

The Committee then adjourned.

XIV

Fourteenth Sitting

4-5-1988

The Committee met on Wednesday, the 4th May, 1988 from 1530 to 1600 hours in Committee Room No. 53, First Floor, Parliament House, New Delhi.

PRESENT

Shri Somnath Rath—*Chairman*

MEMBERS

Lok Sabha

2. Shrimati Basavarajeswari
3. Shri K. P. Singh Deo
4. Prof. M. R. Halder
5. Shri Y. S. Mahajan
6. Shri Braja Mohan Mohanty
7. Shri D. K. Naikar
8. Shri C. D. Patel
9. Shri Aziz Qureshi
10. Prof. N. G. Ranga
11. Shri C. Madhav Reddy
12. Shri Ram Singh Yadav
13. Shri Zainul Basher
14. Shri Zainal Abedin

Rajya Sabha

15. Shri Darbara Singh
16. Shri Baharul Islam
17. Shri P. N. Sukul
18. Shri Parvathaneni Upendra
19. Shri Virendra Verma

SECRETARIAT

1. Shri K. C. Rastogi—*Joint Secretary.*
2. Shri G. S. Bhasin—*Chief Legislative Committee Officer.*
3. Shri Swarn Singh—*Officer on Special Duty.*

REPRESENTATIVE OF THE DEPARTMENT OF PERSONNEL AND TRAINING

Shri Hazara Singh—*Deputy Secretary.*

REPRESENTATIVES OF THE MINISTRY OF LAW AND JUSTICE (LEGISLATIVE DEPARTMENT)

Shri B. K. Samaddar—*Deputy Legislative Counsel*

2. In the absence of Shri H. K. L. Bhagat, Shrimati Shiela Dikshit, Minister of State in the Ministry of Parliamentary Affairs, attended the sitting of the Joint Committee under the provisions of Rule 299 of Rules of Procedure and Conduct of Business.

3. The Chairman informed the Committee that as per the motion adopted by the House on 7 December, 1987, the Committee had been allowed extension of time for the presentation of their Report by the last day of the Budget Session 1988. The Committee noted that visits to Gujarat and Haryana States for holding discussion with the representatives of the State Governments and Opposition Leaders etc., had not materialised so far. It was pointed out that a visit to Gujarat State planned earlier had to be postponed in view of a general ban imposed by the Speaker on the visits of Parliamentary Committees to that State because of acute conditions of drought prevailing there. The Committee were of the opinion that before finalising their report, the Committee should hold discussions with the representatives of the Governments of Gujarat and Haryana and as suggested by the Government of Gujarat a visit to that State might be undertaken only after August, 1988.

4. It was felt that as the Committee's work will not be completed by the stipulated date, *viz.* the last day of the Budget Session, extension of time for presentation of the Report of the Committee by the last day of the monsoon session might be sought for the present. The Committee authorised the Chairman and in his absence Shri C. Madhav Reddy, a Member of the Committee to move the necessary motion in the House.

5. The Committee also decided that subject to extension being granted by the House, the Committee may visit Chandigarh and Srinagar during the first or second week of June 1988 for holding discussions with the Chief Ministers, Leaders of Opposition and representatives of Bar Council/Association etc. of Haryana and Jammu and Kashmir States.

6. The Committee authorised the Chairman to seek Speaker's permission for undertaking the proposed tour.

The Committee then adjourned.

XV

Fifteenth Sitting

18-7-1988

The Committee met on Monday, the 18th July, 1988 from 1500 to 1700 hours in Committee Room 'C', Ground Floor, Parliament House Annexe, New Delhi.

PRESENT

Shri Somnath Rath—*Chairman*

MEMBERS

Lok Sabha

2. Shri T. Basheer
3. Shri H. K. L. Bhagat
4. Shri K. P. Singh Deo
5. Shri Indrajit Gupta
6. Prof. M. R. Halder
7. Shri Braja Mohan Mohanty
8. Shri D. K. Naikar
9. Shri C. D. Patel
10. Shri Aziz Qureshi
11. Shri Ram Swarup Ram
12. Prof. N. G. Ranga
13. Shri C. Madhav Reddy
14. Shri S. Jaipal Reddy
15. Shri G. G. Swell
16. Shri K. P. Unnikrishnan
17. Shri Zainul Basher

Rajya Sabha

18. Shri Lal K. Advani
19. Shri Baharul Islam
20. Shri Bir Bhadra Pratap Singh
21. Shri P. N. Sukul
22. Shri Parvathaneni Upendra
23. Shri Virendra Verma

SECRETARIAT

1. Shri K. C. Rastogi—*Joint Secretary.*
2. Shri G. S. Bhasin—*Chief Legislative Committee Officer.*
3. Shri Swarn Singh—*Officer on Special Duty.*

REPRESENTATIVE OF THE DEPARTMENT OF PERSONNEL AND TRAINING

Shri Hazara Singh—*Deputy Secretary.*

REPRESENTATIVE OF THE MINISTRY OF LAW AND JUSTICE (LEGISLATIVE DEPARTMENT)

Shri B. K. Samaddar—*Deputy Legislative Counsel.*

2. The Committee took evidence of the following persons on the various provisions of the Lokpal Bill, 1985:

1. Justice P. N. Bhagwati (Retd.)

2. Shri P. M. Bakshi, Formerly Member Law Commission.

3. Before, the Committee proceeded to take evidence, the Chairman while welcoming the witnesses, drew their attention to the provisions contained in Direction 58 of the Directions by the Speaker under the Rules of Procedure and Conduct of Business in Lok Sabha.

4. A verbatim record of evidence was kept.

5. *The Committee then adjourned to meet again at* 1500 *hours on Tuesday, the* 19*th July,* 1988.

XVI

Sixteenth Sitting

19-7-1988

The Committee met on Tuesday, the 19th July, 1988 from 15.00 to 17.00 hours in Committee Room 'C', Ground Floor, Parliament House Annexe, New Delhi.

PRESENT

Shri Somnath Rath—*Chairman*

MEMBERS

Lok Sabha

2. Shrimati Basavarajeswari
3. Shri K. P. Singh Deo
4. Shri Indrajit Gupta
5. Prof. M. R. Halder
6. Shri R. S. Khirhar
7. Shri Braja Mohan Mohanty
8. Shri C. D. Patel
9. Shri Aziz Qureshi
10. Shri Ram Swarup Ram
11. Prof. N. G. Ranga
12. Shri C. Madhav Reddy
13. Shri S. Jaipal Reddy
14. Shri G. G. Swell
15. Shri Zainul Basher

Rajya Sabha

16. Shri Lal K. Advani
17. Shri Aladi Aruna *alias* V. Arunachalam
18. Shri Anand Sharma
19. Shri Hansraj Bhardwaj
20. Shri Darbara Singh
21. Shri Bir Bhadra Pratap Singh
22. Shri P. N. Sukul
23. Shri Parvathaneni Upendra

SECRETARIAT

1. Shri K. C. Rastogi—*Joint Secretary.*
2. Shri G. S. Bhasin—*Chief Legislative Committee Officer.*
3. Shri Swarn Singh—*Officer on Special Duty.*

REPRESENTATIVE OF THE DEPARTMENT OF PERSONNEL AND TRAINING

Shri Hazara Singh—*Deputy Secretary.*

REPRESENTATIVE OF THE MINISTRY OF LAW AND JUSTICE (LEGISLATIVE DEPARTMENT)

Shri B. K. Samaddar—*Deputy Legislative Counsel.*

2. The Committee took evidence of the following persons on the various provisions of the Lokpal Bill, 1985:

(1) Shri D. Sen, Formerly Director, CBI.

(2) Dr P. N. S. Patro, Head of the Department of Political Science, KSUB College, Bhanja Nagar (Orissa).

3. Before the Committee proceeded to take evidence, the Chairman while welcoming the witnesses, drew their attention to the provisions contained in Direction 58 of the Directions by the Speaker under the Rules of Procedure and Conduct of Business in Lok Sabha.

4. A verbatim record of the evidence was kept.

5. The Committee also considered their future programme of work. Some members of the Committee pointed out that there was no need to prolong the life of the Committee. The Government should be asked to bring forward whatever amendments they wanted to introduce in the Bill in the light of the discussions held by the Committee. In any case all our efforts should be made to complete the work of the Committee to ensure that the report was presented by the end of the ensuing Monsoon Session. Some members felt that the Committee should not seek further extension of time for presentation of the report. The Minister of State for Law and Justice (Shri H. R. Bhardwaj)—a member of the Committee, promised to convey to the Government, the views expressed by the members. The Committee authorised the Chairman to decide about the future programme of their work after consulting the concerned Ministers.

The Committee then adjourned.

XVII

Seventeenth Sitting

31-8-1988

The Committee met on Wednesday, the 31st August, 1988 from 1500 to 1530 hours in Committee Room No. 53, First Floor, Parliament House, New Delhi.

PRESENT

Shri Somnath Rath—*Chairman*

MEMBERS

Lok Sabha

2. Shri H. K. L. Bhagat
3. Shri Indrajit Gupta
4. Shri Braja Mohan Mohanty
5. Shri D. K. Naikar
6. Shri Aziz Qureshi
7. Prof. N. G. Ranga
8. Shri S. Jaipal Reddy
9. Shri Ebrahim Sulaiman Sait
10. Shri G. G. Swell
11. Shri Zainul Basher
12. Shri Zainal Abedin

Rajya Sabha

13. Shri Lal K. Advani
14. Shri Baharul Islam
15. Shri Bir Bhadra Pratap Singh
16. Shri Raoof Valiullah
17. Shri Virendra Verma

SECRETARIAT

1. Shri K. C. Rastogi—*Joint Secretary.*
2. Shri G. S. Bhasin—*Deputy Secretary.*
3. Shri Swarn Singh—*Officer on Special Duty.*

REPRESENTATIVE OF THE DEPARTMENT OF PERSONNEL AND TRAINING

Shri Hazara Singh—*Deputy Secretary.*

2. The Committee considered their future programme of work. The Minister of Parliamentary Affairs and Information and Broadcasting (Shri H. K. L. Bhagat) suggested that the Committee had not so far

visited the States of Gujarat, Haryana and Jammu and Kashmir for having informal discussions with the Chief Ministers/Leaders of Opposition in these States. The Committee might like to visit some of these places during the ensuing inter-session period. Several members pointed out that at the last sitting of the Committee held on 19 July, 1988 it had been decided that the Committee would not ask for extension of time beyond the Monsoon Session 1988. Hence no further extension of time should be sought.

3. It was pointed out that the Committee had yet to take up clause-by-clause consideration of the bill and thereafter finalise the report. It would, therefore, be necessary to seek further extension of time for submitting the report of the Committee.

After some discussion, it was agreed that the Committee should seek extension of time for submission of its report till the last day of winter session 1988. Several members desired that it should be brought on record that this would be the last extension. This was agreed to.

The Committee authorised the Chairman and in his absence Shri C. Madhav Reddy, a member of the Committee, to move the necessary motion in the House for seeking extension of time.

4. The Committee also decided that subject to satisfactory arrangements being made, the Committee might undertake a tour to some of the States not visited so far during the month of September, 1988. It was further decided that sittings of the Committee may be held during the month of October, 1988 for completing the deliberations of the Committee.

5. The Chairman also announced that members desirous of giving notices of amendments to various clauses of the Bill may do so and send notices to the Lok Sabha Secretariat at the earliest.

The Committee then adjourned.

XVIII

Eighteenth Sitting

13-10-1988

The Committee met on Thursday, 13 October, 1988 from 1100 to 1230 hours in Committee Room 'B', Ground Floor, Parliament House Annexe, New Delhi.

PRESENT

Shri Somnath Rath—*Chairman*

MEMBERS

Lok Sabha

2. Shrimati Basavarajeswari
3. Shri H. K. L. Bhagat
4. Shri K. P. Singh Deo
5. Shri Sharad Dighe
6. Prof. M. R. Halder
7. Shri Braja Mohan Mohanty
8. Shri D. K. Naikar
9. Shri Aziz Qureshi
10. Prof. N. G. Ranga
11. Shri S. Jaipal Reddy
12. Shri Ebrahim Sulaiman Sait
13. Shri Ram Singh Yadav
14. Shri Zainul Basher
15. Shri Manoranjan Bhakta

Rajya Sabha

16. Shri Lal K. Advani
17. Shri Aladi Aruna *alias* V. Arunachalam
18. Shri Hansraj Bhardwaj
19. Shri Baharul Islam
20. Shri Bir Bhadra Pratap Singh
21. Shri P. N. Sukul
22. Shri Parvathaneni Upendra

SECRETARIAT

Shri K. C. Rastogi—*Joint Secretary*
Shri G. S. Bhasin—*Deputy Secretary*
Shri Swaran Singh—*Under Secretary*

REPRESENTATIVE OF THE DEPARTMENT OF PERSONNEL AND TRAINING

Shri Hazara Singh—*Deputy Secretary.*

REPRESENTATIVES OF THE MINISTRY OF LAW AND JUSTICE (LEGISLATIVE DEPARTMENT)

1. Shri S. Ramaiah—*Secretary*
2. Shri B. K. Samadder—*Deputy Legislative Counsel*

2. Before clause-by-clause consideration of the Bill could be taken up, several members expressed their views on the scheme and scope of the Bill. Some members pointed out that the Bill in its present form, would not, if enacted, serve the purpose for which it was intended. Government might consider whether a more comprehensive bill could be brought in place of the present Bill which was before the Committee.

3. Some members pointed out that it would be desirable if Government could furnish their views on the various memoranda submitted to the Committee, the evidence tendered before the Committee by various eminent persons and the suggestions given by various parties/leaders and organisations during the course of the tours undertaken by the Committee in almost every part of the country. It was stressed that further detailed discussion on the various clauses of the Bill would be worth-while only if the Government's stand at least on certain basic issues raised by various eminent persons and organisations was made known to the Committee.

4. The Minister of Parliamentary Affairs (Shri H. K. L. Bhagat) a member of the Committee, stated that he would convey the feelings of the members to the Government and would apprise the Committee about Government's views at the next sitting.

5. The Committee, thereupon, postponed clause-by-clause consideration of the Bill and decided to cancel the sittings to be held at 15.00 hours on that day and on Friday, 14 October, 1988 (FN and AN).

6. The Committee also decided to hold their next series of sittings on Thursday, 27 October, 1988 for hearing the views of the Government on the Bill and also for taking up clause-by-clause consideration of the Bill.

The Committee then adjourned.

XIX

Nineteenth Sitting

27-10-1988

The Committee met on Thursday, 27 October, 1988 from 1100 to 1230 hours in Committee Room 'C', Ground Floor, Parliament House Annexe, New Delhi.

PRESENT

Shri Somnath Rath—*Chairman*

MEMBERS

Lok Sabha

2. Shrimati Basavarajeswari
3. Shri T. Basheer
4. Shri H. K. L. Bhagat
5. Shri K. P. Singh Deo
6. Shri Sharad Dighe
7. Shri Indrajit Gupta
8. Prof. M. R. Halder
9. Shri R. S. Khirhar
10. Shri Braja Mohan Mohanty
11. Shri D. K. Naikar
12. Shri Aziz Qureshi
13. Shri Ram Swarup Ram
14. Prof. N. G. Ranga
15. Shri C. Madhav Reddy
16. Shri S. Jaipal Reddy
17. Shri G. G. Swell

Rajya Sabha

18. Shri Lal K. Advani
19. Shri Aladi Aruna *alias* V. Arunachalam
20. Shri Hansraj Bhardwaj
21. Shri Darbara Singh
22. Shri Baharul Islam
23. Shri Murasoli Maran
24. Shri N. K. P. Salve
25. Shri Bir Bhadra Pratap Singh
26. Shri P. N. Sukul
27. Shri Parvathaneni Upendra

28. Shri Raoof Valiullah
29. Shri Virendra Verma

SECRETARIAT

Shri O. P. Chopra—*Under Secretary*

REPRESENTATIVES OF THE DEPARTMENT OF PERSONNEL AND TRAINING

1. Shri Manish Behl, *Secretary.*
2. Shri S. K. Parthasarthy, *Joint Secretary.*
3. Shri Hazara Singh, *Deputy Secretary.*

REPRESENTATIVES OF THE MINISTRY OF LAW AND JUSTICE (LEGISLATIVE DEPARTMENT)

1. Shri C. Raman Menon—*Additional Secretary.*
2. Shri B. S. Saluja—*Additional Legislative Counsel.*
3. Shri B. K. Samaddar—*Deputy Legislative Counsel.*

2. At the outset, the Minister of Parliamentary Affairs and Information and Broadcasting (Shri H. K. L. Bhagat), a member of the Committee, stated that at the last sitting of the Committee held on 13 October, 1988, he had promised that he would convey the feelings expressed by the members about the Bill to the Government and would apprise the Committee about Government's views at the next sitting. However, he had not been able to get the reactions of the Government within this period for the reason that there were more than 200 notices of amendments on the Bill given by the members. The Ministry of Personnel who were concerned with the Bill had not been able to process them so far. The Minister of Personnel (Shri P. Chidambaram) was also not in Delhi, he could not discuss the matter with him and was therefore, in no position to take stand on the proposed amendments being a Minister himself. He, suggested that the sitting might be postponed and some more time be given to the Government. He would try to get the reactions of the Government as soon as possible and apprise the Committee accordingly during the ensuing session.

3. During the discussion that followed several members expressed the view that it was not proper for the Government to ask for further postponement of the clause-by-clause consideration of the bill. The Committee should formulate its views and submit the report within the stipulated time granted by the House, *i.e.* by the end of the winter session. It was finally, decided to postpone the meeting and also to cancel the meeting fixed for the afternoon on that day.

4. The Committee authorised the Chairman to fix the date and time for the next sitting.

The Committee then adjourned.

Twentieth Sitting

15-11-1988

The Committee met on Tuesday, 15 November, 1988 from 1510 to 1610 hours in Committee Room No. 63, First Floor, Parliament House, New Delhi.

PRESENT

Shri Somnath Rath—*Chairman*

MEMBERS

Lok Sabha

2. Shri H. K. L. Bhagat
3. Shri P. Chidambaram
4. Shri K. P. Singh Deo
5. Shri Y. S. Mahajan
6. Shri Braja Mohan Mohanty
7. Shri C. D. Patel
8. Shri Ram Swarup Ram
9. Prof. N. G. Ranga
10. Shri S. Jaipal Reddy
11. Shri Ebrahim Sulaiman Sait
12 Shri G. G. Swell
13. Shri K. P. Unnikrishnan
14. Shri Shyam Lal Yadav
15. Shri Zainul Basher
16. Shri Asoke Kumar Sen
17. Shri Indrajit Gupta

Rajya Sabha

18. Shri Lal K. Advani
19. Shri Hansraj Bhardwaj
20. Shri Darbara Singh
21. Shri Baharul Islam
22. Shri Parvathaneni Upendra

SECRETARIAT

1. Shri G. S. Bhasin—*Deputy Secretary.*
2. Shri Swaran Singh—*Officer on Special Duty.*

REPRESENTATIVES OF THE DEPARTMENT OF PERSONNEL AND TRAINING

1. Shri Manish Behl, *Secretary.*
2. Shri S. K. Parthasarthy, *Joint Secretary.*
3. Shrimati Binoo Sen, *Joint Secretary.*

REPRESENTATIVES OF THE MINISTRY OF LAW AND JUSTICE (LEGISLATIVE DEPARTMENT)

1. Shri S. Ramaiah—*Secretary.*
2. Shri C. Raman Menon—*Additional Secretary.*

2. At the outset, the Minister of State in the Ministry of Personnel, Public Grievances and Pensions (Shri P. Chidambaram) who was also Minister-in-Charge of the Bill stated that the Lokpal Bill, 1985 did not make any provision for the redressal of Grievances arising out of any act or omission of Government or a Public Functionary or an employee of Government which did not involve any element of corruption. It was common experience that many grievances of citizens arose because of inefficiency, tardiness delay, redtape, out modded rules and procedures, which might not involve any corrupt motive. It was, therefore, necessary to evolve a system or machinery to redress the grievances of citizens.

He further stated that a number of witnesses who gave evidence before the Committee and several Members of the Committee had expressed apprehensions regarding the scope of the Bill. The Committee had been told by number of witnesses that the Bill was defective because it did not provide for the redress of the grievances of the citizens but only provided for a pre-trial enquiry into cases of corruption. It had also been pointed out that the bulk of grievances of citizens would fall outside the scope of Lokpal and in that sense the Lokpal would not serve the purposes which were envisaged by the Administrative Reforms Commission.

3. The Minister-in-charge of the Bill further informed the Committee that Government felt that it would be desirable to re-examine the entire issue relating to the establishment of Lokpal, his powers and jurisdiction. He also informed the Committee that it was proposed to withdraw the present Lokpal Bill and bring forward a more comprehensive legislation to deal with the redress of public grievances.

4. During the deliberations, some members pointed out that the Bill could be improved upon by incorporating some of the amendments given notice of by them. Some other Members supported the Government stand.

5. The Minister-in-Charge informed the Committee that he would move an appropriate motion under Rule 110 of the Rules of Procedure for the withdrawal of the Bill.

The Committee finally decided to present their report within the stipulated time given by the House *i.e.* by the end of the Winter Session, 1988.

The Committee authorised the Chairman to fix the date and time for their next sitting to adopt their draft report.

The Committee then adjourned.

XXI

Twenty-First Sitting

29-11-1988

The Committee met on Tuesday, 29th November, 1988 from 0930 to 1000 hours in Committee Room No. 62, First Floor, Parliament House, New Delhi.

PRESENT

Shri Somnath Rath—*Chairman*

MEMBERS

Lok Sabha

2. Shrimati Basavarajeswari
3. Shri H. K. L. Bhagat
4. Shri P. Chidambram
5. Shri K. P. Singh Deo
6. Shri Sharad Dighe
7. Shri Indrajit Gupta
8. Shri Y. S. Mahajan
9. Prof. N. G. Ranga
10. Shri C. Madhav Reddy
11. Shri S. Jaipal Reddy
12. Shri G. G. Swell
13. Shri K. P. Unnikrishnan
14. Shri Shyam Lal Yadav
15. Shri Zainal Abedin

Rajya Sabha

16. Shri Lal K. Advani
17. Shri Aladi Aruna *alias* V. Arunachalam
18. Shri Hansraj Bhardwaj
19. Shri Baharul Islam
20. Shri P. N. Sukul
21. Shri Parvathaneni Upendra
22. Shri Raoof Valliullah
23. Shri Virendra Verma

SECRETARIAT

1. Shri G. S. Bhasin—*Deputy Secretary.*
2. Shri Swaran Singh—*Officer on Special Duty.*

REPRESENTATIVES OF THE DEPARTMENT OF PERSONNEL AND TRAINING

1. Shri Manish Behl, *Secretary.*
2. Shri S. K. Parthasarthy, *Joint Secretary.*
3. Shrimati Binoo Sen, *Joint Secretary*

REPRESENTATIVES OF THE MINISTRY OF LAW AND JUSTICE

1. Shri S. Ramaiah—*Secretary.*
2. Shri B. K. Samaddar—*Deputy Legislative Counsel.*

2. The Committee considered the draft Report and after some discussion adopted the same.

3. The Chairman announced that the Minutes of dissent, if any, might be sent to the Lok Sabha Secretariat by 1600 hours on Thursday, the 1st December, 1988.

4. The Committee authorised the Chairman to finalise the report and present the same to the House during the current session.

5. The Committee decided that record of evidence tendered before them might be printed and laid on the Table of both the Houses of Parliament.

6. The Committee also decided that two sets of Memoranda containing comments and suggestions on the provisions of the Bill received by the Committee might be placed in Parliament Library, after the report has been presented, for reference by the Members of Parliament.

7. The Chairman thanked the Members of the Committee for extending their full cooperation in conducting the proceedings of the Committee in a most congenial atmosphere.

8. The Committee placed on record their appreciation of the officers and staff of the Lok Sabha Secretariat for the valuable assistance rendered to the Committee in their work.

9. The Members of the Committee also placed on record their high appreciation and thanks to the Chairman for conducting the proceedings very ably and in guiding the deliberations of the Committee.

The Committee then adjourned.